

- North Barn and Coach House will be replaced with 3 units, referred to as **Units A, B and C** (Plots 5, 6 and 7).
- St Martyn's Cottage and Posset will be called **The Granary** (Plot 8).
- The **Oast** (Plot 9)
- Rosemary Cottage is proposed to be replaced with **Penstock** (Plot 10)
- **Long Barn** (Plot 11)
- **Trift** (Plot 12)
- **Yaldham Manor** (Plot 13)

- 1.2 Planning permission and Listed Building Consent are sought for the redevelopment of the Yaldham Manor estate. The existing estate comprises the Listed Manor House "Yaldham Manor" and its various associated buildings. Yaldham Manor is linked to a curtilage Listed Building called St Martyn's Cottage, which lies to the west of the Manor and is linked via a small annex type dwelling known as Posset. Yaldham Manor has its own access drive with the remaining buildings being served off a farm access to the north west of the site.
- 1.3 The other buildings on site at present are The Lodge (a dwelling) which sits at the entrance to the farm access to the north the site, and a demolished chicken shed (concrete base remains) lies just behind the Lodge. The next set of buildings on the east side of the track are 2 Barns (North Barn and The Coach House), to their west is Long Barn which is an open fronted cart shed. To the south of Long Barn lies Rosemary Cottage which is a dwellinghouse. To the far north east of the site is Trift which is a detached bungalow. To the south of St Martyn's Cottage lies the Oast which is an historical agricultural building.
- 1.4 The proposal includes works to the principal Listed Building - Yaldham Manor, Posset and St Martyn's Cottage. The small annex dwelling known as Posset is proposed to be partially demolished, with the remainder being incorporated within a detached St Martyn's Cottage (to be known as The Granary). Yaldham Manor would then be detached.
- 1.5 The existing Oast and Long Barn are proposed to be converted to dwellings, with the Long Barn also being extended. The existing Lodge is proposed to remain as a dwellinghouse with the existing modern extensions demolished and a new extension proposed.
- 1.6 Two of the detached dwellings (Trift and Rosemary Cottage) are proposed to be demolished and replaced with larger houses. The replacement dwelling for Rosemary Cottage is called "Penstock".

- 1.7 The chicken shed (recently demolished due to poor stability) is proposed to be “replaced” by a new dwelling and would be called “Woodmans.”
- 1.8 The existing cluster of barns in the centre of the site known as North Barn and Coach House are proposed to be demolished (this is a recent revision to the overall scheme as these barns were previously proposed to be converted to two dwellings). The current proposal involves three new build barn style dwellings in this location which have a link-detached layout. These units are known as A, B and C on the submitted plans.
- 1.9 Two new build dwellings are also proposed in isolation i.e. not being a replacement for an existing structure, and would be sited north of Long Barn. These dwellings are called Units E and F on the proposed site plan layout plan.
- 1.10 The majority of the development is orientated along the existing farm access which runs north to south, to the west of the Manor building. All units except Trift and the Manor will be accessed off the existing farm track which will be upgraded. Trift has its own access directly off Kemsing Road. The Manor would remain within its own grounds and with its own historic access drive. The majority of the formal gardens to the north, east and south of the Manor will be retained for the sole use of the Manor house.
- 1.11 Parking is proposed for each unit, with a mixture of garaging and on site parking spaces. The Manor would have an existing outbuilding adapted to serve as a garage.
- 1.12 There is a mix of designs within the scheme and each property is individual. There is a mix of barn style dwellings (Units A, B and C), contemporary design (Penstock, Woodmans, Unit E and Unit F) and more traditional construction for the replacement dwelling at Trift (chalet bungalow) and the extension to the Lodge. The extension proposed for Long Barn is proposed to be contemporary. The contemporary designed units have feature glazing, an unusual arrangement of pitched roof forms and feature stonework and use of timber boarding. The barn style dwellings have traditional pitched roofs, horizontal weatherboarding and irregular window patterns to mimic the aesthetic of a conversion.
- 1.13 Various new boundary treatments are proposed and each dwelling would have a detached garden store building.
- 1.14 A refuse collection point is proposed to the west of the farm access, south of the Lodge, and refuse freighter turning is also proposed at this location.
- 1.15 The application has been accompanied by a case of “very special circumstances” in the form of enabling development to secure funds to restore and renovate the existing heritage assets on site.

2. Reason for reporting to Committee:

2.1 The planning application represents a departure from the Development Plan.

3. The Site:

3.1 The site lies on the south side of Kemsing Road to the west of Wrotham village. To the south lies the M26 Motorway. The site lies within open countryside which is designated as Metropolitan Green Belt and an Area of Outstanding Natural Beauty. The whole estate (excluding Trift) is designated within the Kent Historic Gardens Compendium as an Historic Park and Garden.

3.2 Yaldham Manor, Posset and St Martyn's Cottage are Listed as Grade II. All other structures within the site (excluding Trift which has its own curtilage and the now demolished Chicken Shed) are curtilage Listed, as they were present on site in 1948 and were in the curtilage at the time of listing.

3.3 There is a slight slope across the site with Kemsing Road to the north being the higher level and a gradual slope down to the south where the site meets the M26.

3.4 Yaldham Manor house is set back considerably from the road and, due to the landscaped grounds to the north, is not readily visible from Kemsing Road. The Manor is also well screened from views from the farm access. Trift and the Lodge are the most visually prominent buildings from public vantage points.

3.5 A public right of way (PROW) (MR228) lies to the east of the Manor and runs southeast from the front garden of Trift. Due to the mature trees within the garden of the Manor, the main listed building is not readily visible from the PROW, especially in the spring/summer.

4. Planning History (selected):

TM/72/11129/OLD Refuse 25 July 1972

Dwelling house (agricultural) for J. M. Lade, Esq.

TM/89/11142/LBC Grant with Conditions 6 January 1989

Listed Building Application: Removal of unsound conservatory and replacement with mahogany conservatory.

TM/92/0960/LDCP Lawful Development 22 December 1992
Certifies

Certificate of Lawfulness of proposed development: demolition of Victorian/Edwardian dormer and small 1960s greenhouse and erection of small sun room on south elevation room/sitting room on south elevation

TM/92/00961/LB Grant with Conditions 31 December 1992

Listed Building Application; demolition of Victorian/Edwardian dormer and small 1960s greenhouse and erection of small sun room/sitting room on South elevation

TM/04/00645/FL Grant With Conditions 15 April 2004

Replacement single storey family room to rear, replacement of existing dormer with two new dormer windows and two conservation rooflights on rear roof slope and the erection of two single storey front extensions and two conservation rooflights to an existing single storey section of the front elevation

TM/04/00648/LB Grant With Conditions 15 April 2004

Listed Building Application: Replacement single storey family room to rear, replacement of existing dormer with two new dormer windows and two conservation rooflights on rear roof slope, installation of new stairs and new window and the erection of two single storey front extensions and two conservation rooflights to an existing single storey section of the front elevation

TM/07/03856/FL Application Withdrawn 25 February 2008

Redevelopment of Yaldham Manor complex involving replacement dwelling to Trift; partial demolition, extension and alteration of The Lodge; demolition of chicken shed and replacement with two dwellings; partial demolition, conversion and extension of Long Barn to 1 no. dwelling; replacement of Rosemary Cottage with 2 no. dwellings; alterations and extension to Yaldham Manor; alterations to Posset and St Martyn's Cottage; alterations to Oast and conversion to 1 no. dwelling ; partial demolition, conversion and extension of Barn and Stables to 3 no. dwellings; erection of estate management office/store, and associated parking, turning and access roads.

TM/07/03862/LB Application Withdrawn 25 February 2008

Listed Building Application: Redevelopment of Yaldham Manor complex involving demolition of Trift; partial demolition, extension and alteration of The Lodge; demolition of chicken shed ; partial demolition, conversion and extension of Long Barn; demolition of Rosemary Cottage; alterations and extension to Yaldham Manor; alterations to Posset and St Martyn's Cottage; alterations and conversion to Oast; partial demolition, conversion and extension of Barn and Stables; and demolition of Woodman's Cottage

5. Consultees:

(A) TM/08/03638/FL:

- 5.1 Wrotham PC: Yaldham Manor contains an important historical example of a 14th Century Tudor Great Hall. Over the centuries the estate has evolved, with the manor at the centre of a unique collection of residences and associated agricultural buildings.

- 5.1.1 The previous owner, Edward Lade, spent much time and effort in the fruitless task of trying to halt the decay in this extensive collection of aged buildings. Since the present owner, Artesian, bought the estate approximately 2.5 years ago, the properties have remained largely empty.
- 5.1.2 We are all of the opinion that the proposed development not only preserves but also enhances the setting of the Listed Building. In particular the conversion of Woodmans Cottage to a garage with covered parking for the Manor adapts this building and cleverly gives it a practical use within the curtilage of the Manor House. The designation of the Lime Tree avenue as the principal entrance to the house sets it in its context as a building of regional importance.
- 5.1.3 WPC notes from the structural surveys that several buildings, including the Manor and in particular the Oast, have serious structural defects which will require rapid intervention in order to prevent either further deterioration or their total loss.
- 5.1.4 The proposed new buildings have a collective agricultural theme, which make use of local materials in a sympathetic manner. The designs are contemporary which reflects and enhances how the estate has developed over the centuries with each era leaving its individual mark.
- 5.1.5 It is proposed to demolish the later additions to the Lodge, which have little architectural merit, and to build an extension to the western flank that will mirror the form of the existing building. The Lodge is situated at the head of the farm entrance and forms a gatehouse to the estate. WPC agrees with the developer's decision to revise the construction materials to match the original red brick elevations.
- 5.1.6 The Parish Council is not qualified to comment on the Enabling Development Analysis carried out by Savills and assumes the LPA will use consultants to check its veracity. However, given the scale of the works required, WPC accepts that an element of new development will be necessary, by exceptional circumstance, to generate funding for renovation of the listed buildings.
- 5.1.7 WPC is concerned that the current financial climate, the high cost of refurbishment, the declining assets value and the difficulty in raising capital, could delay or deter the refurbishment of these historically important buildings. Given the financial downturn in the property market there is also the possibility that historic buildings could be permanently lost if a viable solution is not found soon. We would therefore recommend to the LPA that the application be consented as soon as possible, subject to consultants verifying the enabling development analysis.
- 5.2 DHH: Environmental Protection: Condition suggested regarding hours of working during demolition and construction phase and informative regarding bonfires.
Waste Management Services: General comments regarding refuse collection.
Housing – Enabling: The applicants Planning Statement (page 20) states that the site is a special case of being restored as a heritage asset, and that it is not

suitable for affordable housing. Contaminated Land: I am aware of a preliminary risk assessment report prepared by Bureau Veritas (August 2007) in relation to a planning application TM/07/03856/FL at Yaldham Manor, where further intrusive investigation was recommended. So I have no objection subject to standard land contamination conditions and informatives.

5.3 KCC (Highways): I have no objections in respect of highway matters. The dwellings will be served by three existing vehicle accesses that I find acceptable, bearing in mind that they have previously been used for residential use. Off street parking is to be provided for the residential units that meets maximum requirements of KVPS (2006). The applicant is reminded the minimum size of a parking bay is 2.5m width x 5m length. The preferred size of a double garage is 6m wide x 5.5m length. On site turning is more than satisfactory.

5.3.1 My only comments on the amended layout relate to proposed units 5, 6 and 7 (Unit A, B and C) on plan number 09/1539/10. Each of these units is provided with a double garage with vertical doors that open outwards. It would be usual for the doors to be set back such that there is sufficient distance in front of the open doors to park a vehicle prior to operating the doors without impeding the free flow of traffic on the drive. As shown, vehicles will need to line up at 90 degree to the garage and be likely to block the access drive. This development is private and the waiting of a vehicle prior to accessing the garage is likely to be momentary. Therefore this arrangement is likely to be acceptable. However, the applicant may wish to consider these comments.

5.4 English Heritage: Most recent comments (November 2009): When we responded on 7 April 2009 to an earlier version of this scheme, we had concerns about the suggested market value, the absence of market testing to establish that market value and to draw out any other possible solutions for the site. We questioned the projected conservation deficit. It was unclear whether it was in the public's interest to fund repairs through enabling development to all redundant farm buildings on the site and exactly which works to the house the enabling development would pay for. I have sought advice on the principles of enabling development as they apply to this case, from English Heritage's Development Economics Team.

5.4.1 Our principal concern expressed previously was that the site had not been market tested, and it still hasn't. Although the suggested site value is now given at a lower figure of £2m., market testing should be the first step before enabling development is even considered. In this case, Savills state in paragraph 2 of their Enabling Development Analysis Final Report (September 2009) that "because Yaldham could appeal to a private purchaser without the need to show a development profit we would expect the price achievable in the open market to be in excess of £2m even allowing for the cost profile". This statement in itself rules out the enabling development argument because, although Savills quite rightly say there is no guarantee that a private purchaser will undertake the restoration, they cannot state categorically that it is impossible for a private purchaser to take on

the property and restore it. I refer to a planning appeal for an enabling development scheme at Great Northern Warehouse, Nottingham, where the Inspector in effect stated that a surveyor's opinion is not the same as market testing, which we believe must be the first step before enabling development is even considered.

- 5.4.2 | When the property is marketed, the asking price should be realistic and should reflect the condition of the place. Consequently, we would normally expect the site value of any place with a genuine conservation deficit to be nil or minimal.
- 5.4.3 | Unlike most enabling development cases, Yaldham Manor is not in an especially poor state of repair, and it is unclear whether the generic restoration costs quoted are essential to securing the long-term future of the place. Detailed costings of works to any of the buildings have still not been submitted; approximate costs per metre squared are sufficient only to give an indication of development costs, not to provide the detail required. Our guidance states that 'a schedule of the extent of repair is essential' and without that information it is not possible to consider whether the proposed works are all necessary or conform to good conservation practice. Assessing the detailed costs of refurbishment is, however, a matter for your Council to consider and on that matter we recommend that you seek the advice of a quantity surveyor with expertise in historic buildings
- 5.4.4 | We disagree that this application should be treated as enabling development as defined in the English Heritage guidance entitled 'Enabling Development and the Conservation of Significant Places' (2nd. Ed., 2008), however there is no statutory reason for involving English Heritage with this case and the determination of this application is therefore a matter for your Council.
- 5.5 | West Kent NHS: Comments regarding healthcare contributions of £9,360.00 plus legal costs.
- 5.6 | KCC Heritage: Most recent comments (November 2009) In summary: The applicant has now provided several specialist reports, all of which set out useful data.
- 5.6.1 | The identified historical buildings, such as the manor house itself, the Oast and St Martins (The Granary), contain upstanding remains of archaeological and historical significance. The renovation and any additional ground works to these buildings need to be subject to a programme of archaeological monitoring with provision to preserve in situ where possible any significant archaeological remains exposed, or to archaeologically excavate such remains prior to renovation works proceeding.
- 5.6.2 | Significant archaeological remains may survive in the area of the farm buildings; stables, barn, cart shed etc (proposed Units 5, 6 & 7). It is possible that a substantial pre-19th century building, maybe the one identifiable on the 1st Edition OS map, survives as lower courses and below ground remains within the area of

the farm buildings, especially the northern end. If medieval remains do survive here, it would be preferable for them to be preserved in situ and incorporated into proposed Units 5 and 6. There needs to be some evaluation of this potential, possibly with on-site assessment and intrusive groundworks. Significant remains here could be a constraint on the design of proposed Units 5, 6 & 7 and it would be preferable to clarify this issue at an early stage. Certainly the area of the farm buildings, Units 5, 6 & 7, needs to be subject to archaeological evaluation and then more detailed mitigation.

5.6.3 Rosemary Cottage and Long Barn may contain remnants of a post medieval or earlier boundary wall. Demolition work needs to be closely monitored by an archaeologist to ensure any remains of historic interest are identified and then preserved in situ if possible.

5.6.4 The areas of proposed Units 2, 3, 4, 10 & 11 need to be subject to archaeological evaluation work. The aim is to identify any remains associated with neolithic or medieval activity, particularly evidence of a moat or medieval structures or landscaping.

5.6.5 Landscaping, access and service works need to be subject to a programme of archaeological evaluation and/or monitoring with provision to avoid and preserve in situ any significant remains or archaeologically excavate.

5.6.6 In conclusion there needs to be:

- Early on-site and intrusive archaeological evaluation of the farm buildings, the area they occupy and the area of Units 5, 6 & 7. The results of the evaluation should be used to inform the extent of demolition work and the final design of Units 5, 6 & 7.
- A detailed programme of archaeological monitoring with provision to preserve in situ or archaeologically record important remains needs to be agreed for the renovation and groundworks for the manor house, The Oast and Martins Cottage.
- Demolition work for Rosemary's Cottage needs to be carefully supervised by an archaeologist and any elements of historic interest need to be recorded.
- The areas of proposed Units 2, 3, 4, 10 & 11 need to be archaeologically evaluated. Assessment of the results will then guide the need for more detailed mitigation which may comprise preservation in situ and/or archaeological excavation work.
- Any further groundworks, such as for landscaping, services and access, need to be subject to archaeological work.

- 5.6.7 It would be preferable for intrusive archaeological evaluation work to be undertaken prior to the design of all the proposed units is finalised. Some of the archaeological work, however, would need to be undertaken after demolition work. I suggest further discussions with the applicant are required in order to set up a framework for an appropriate programme for archaeological mitigation. In the meantime, I recommend the same condition as before.
- 5.7 Natural England: Great Crested Newts and Bats are present on the site. **Bats:** The survey information provided by the applicants indicates that bats are present within the application site. The indicative proposals appear sufficient to mitigate any potential impacts on bat populations. Therefore, subject to the condition listed below, Natural England is satisfied that these proposals should not be detrimental to the maintenance of the population of the species concerned .
- 5.7.1 **Great Crested Newts:** The survey information provided by the applicants indicates that Great Crested News (GCN) are present within the application site or ponds within 500m of the application site. The proposals appear sufficient to mitigate any potential impacts on GCN populations. Therefore, subject to the condition listed below, Natural England is satisfied that these proposals should not be detrimental to the maintenance of the population of GCN at a favourable conservation status in their natural range.
- 5.8 KCC PROW Officer: Public Rights of Way footpath (MR228) runs down the south eastern boundary of the site but should not affect the application. (Plus general advice relating to PROW's.)
- 5.9 Private Reps (3/0S/0X/0R + Press and Site Notices): None received.
- (B) TM/08/03639/LB:
- 5.10 Wrotham PC: As **(A)** above
- 5.11 English Heritage: This application should be determined in accordance with national and local policy guidance.
- 5.12 Society for the Protection of Ancient Buildings: The key issue with this proposal would seem to be the extent of work needed to the principal building and the consequent justification for enabling development. The society is not in a position to comment on this matter, but trusts that the guidance offering in English Heritage's advisory document on enabling development will be followed.
- 5.12.1 The Society does, however, wish to comment on one matter of detail. A drawing suggests that it may be the intention, within the main house, to lift flag stone floors and reconstruct sub floors in concrete. In principle, the Society would caution against this approach. Lifting flag stones often leads to their damage. The

introduction of a sub floor of modern impermeable construction may drive moisture into the surrounding walls and partitions. Vary careful thought will be needed about this proposal, if it affects historic floors.

5.12.2 KCC Heritage: As **(A)** above.

5.13 Wrotham Historical Society: The society has learnt that since being acquired by the developers, Artesian, three years ago the condition of the fabric of the historic manor – a 14th century medieval Grade II listed building, has deteriorated considerably. It has reached a point where urgent work needs to be undertaken without delay and to avoid major structural damage. In addition the grounds, which are a particular feature of estate, are being neglected.

5.13.1 We understand that the current application for restoration was submitted 8 months ago with a request that the planning department take an early decision in order to avoid further damage to the manor and the grounds.

5.13.2 The delay in decision taking is exacerbating the situation not only in respect of the manor and grounds but, in the current economic climate, there is a serious danger that the developers may have to reconsider their position. It would have potentially disastrous consequences for this historic manor and surrounding estate.

5.13.3 Yaldham Manor is an important part of our heritage. Over the centuries it has played a significant part in the life of our village and it would be inexcusable if, through indecision on the part of the council, it was allowed to fall into neglect. As a matter of urgency we hope that you now will address the matter and take the appropriate action

5.14 Private Reps (3/0X/1S/0R + Press and Site Notices) One response received stating the following: We are very concerned about the deterioration in the various buildings of Yaldham Manor, particularly the Oast, and understand that no work can be done until planning permission is granted for the redevelopment. It would be a tragedy if these beautiful buildings were to be lost for ever and we hope that a successful conclusion can be achieved in the very near future.

6. Determining Issues:

Overarching issues:

6.1 The main determining issues in the consideration of these applications are:

- The principle of the development in the Green Belt, including the impact on the openness and functioning of the Green Belt though additional buildings.

- The design of the various conversions, extensions, new builds and replacement dwellings and their impact on visual amenity, and the impact of the development on the Area of Outstanding Natural Beauty and landscape quality.
- The impact of the proposals, directly and indirectly, on the fabric and setting of the various listed buildings on the site.
- The assessment of a case of very special circumstances put forward by the applicant.

6.2 In addition to the above detailed consideration must be given to:

- the impact of the proposal on the historic landscape and archaeology,
- biodiversity in the form of the impact on bats and great crested newts, and
- whether any issues of land contamination arise as a result of previous uses on the site.

6.3 The Listed Building aspects of this application need to be assessed in the light of current adopted Government Policy PPG15 and Regional Policy BE6 of the South East Plan 2009 which requires LPA's to safeguard the architectural and historic interest of listed buildings and respect their setting. Other material factors specific to Listed Buildings are described below.

6.4 The site lies within the Metropolitan Green Belt (MGB) where new buildings are defined as "inappropriate development" within PPG2: Green Belts unless for one of a number of identified purposes, which do not apply in this case. There is a presumption against inappropriate development within the MGB. It is for the applicant to show why permission should be granted. Very Special Circumstances (VSC) to justify inappropriate development will not exist unless the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations. Purely new dwellings proposed on this scheme (not replacement, conversion or restoration), are Woodmans (Plot 4) (in place of the now demolished chicken shed and not therefore a replacement dwelling), Unit F (Plot 2) and Unit E (Plot 3) (the proposed dwellings north of Long Barn) and will need to be justified.

6.5 The scheme also includes proposals for replacement dwellings at Trift (Plot 12) and Rosemary Cottage (replacement is called Penstock – Plot 10) and residential conversions at the Oast (Plot 9) and Long Barn (Plot 11). Replacement dwellings can be considered appropriate development in the MGB, under the terms of PPG2, provided they are "not materially larger" than the ones which they replace.

6.6 Conversions of former agricultural buildings can be considered appropriate development in the MGB, under the terms of PPG2, provided "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...” Saved Policy P6/15 of the Tonbridge and Malling Borough Local Plan 1998 sets out similar criteria. Emerging Policy DC1 of the Managing Development and the Environment Development Plan Document (MDEDPD) (publication version March 2009) is also a material consideration in the assessment of proposals for the conversion of rural buildings to residential use, but has limited weight as it is not yet adopted. In analysing the proposed conversions against the above policies, a case of VSC may need to be advanced where departures are identified.

- 6.7 The proposal also includes proposals for the demolition of North Barn and the Couch House which form the unused barn complex at the centre of the site. The current scheme shows total demolition and replacement with 3 no. barn style dwellings (Plots 5, 6 and 7), two of which are link-detached and one detached. This amendment results in a significant benefit in reducing the new build element on the western periphery of the site adjoining the open countryside but does make the proposal less policy compliant, in principle, than the previous conversion scheme (if of lesser visual impact) and thus requiring a case of VSC.
- 6.8 In summary, the proposed scheme, although being considered collectively, incorporates individual developments which vary in their compliance with the Development Plan. The hierarchy of compliance is as follows:
- The policy compliant elements are the restoration and extension of Yaldham Manor, St Martyn’s Cottage (The Granary) and the Lodge (Plots 13, 8 and 1).
 - The conversions at the Oast and Long Barn (Plots 9 and 11) are compliant, provided they meet the tests set out in paragraph 6.6 above.
 - The replacement dwellings at Trift and Rosemary Cottage (Penstock) (Plots 10 and 12) are acceptable in principle though their size must be considered to be compliant.
 - The demolition of the central barn complex and replacement with 3no. dwellings (Plots 5, 6 and 7) is not compliant and a sufficient case of VSC must be advanced for the grant of permission to be considered. The same applies for the new build Units E and F and Woodmans (Plots 2, 3, and 4).
- 6.9 The report will address detailed design and the impact of the proposed development in the above order, prior to moving on to the assessment of whether a sufficient case of very special circumstances has been advanced in the form of enabling development.

Detailed design and impact of each individual unit

- 6.10 The restoration works proposed to the principal heritage asset **Yaldham Manor** (Plot 13) include substantial repairs to the interior. Whilst the manor may have been in a “saleable” condition when bought by the applicants, the developers claim it was in need of substantial restoration which became more obvious once they took ownership. After a couple of years of not being occupied, the fabric of the building is said to have deteriorated and other areas of essential works have become apparent. The works to the Manor alone are estimated to have a substantial cost. Borough Officers have visited the site with English Heritage specialists to view the condition of the principle structures. The Oast House has also been subject to monitoring as it has suffered some obvious deterioration.
- 6.11 Similar works are also said to be required to St Martyn’s Cottage (**The Granary**) (Plot 8) and major structural works are required to this property in the form of new supporting beams. Posset would be incorporated within St Martyn’s Cottage and be partially demolished to result in Yaldham Manor itself being detached from its new neighbour. Some alterations to the layout of these two properties is proposed, though these are minor and would not harm the fabric or historic character of the properties. The partial demolition of Posset is minor and although, some fabric would be lost, there is a full record of the existing building and separation would be desirable from a setting and enabling development perspective. The proposed replacement conservatory for Yaldham Manor is slightly deeper than the existing structure. However, the proposed conservatory is entirely appropriate in its siting, form, proportions and materials and would, subject to joinery details, enhance the setting of the Listed Building better than that which exists on site. I therefore consider the restoration works to Yaldham Manor and Posset are appropriate and would enhance the fabric and setting of these buildings in accordance with PPG15 and BE6. These aspects of the scheme as a whole are therefore in accordance with policy and will be a beneficial long term solution.
- 6.12 The works to the **Lodge** (Plot 1) are repair, demolition of modern additions and a new extension. The Lodge is not of considerable age but does play a role in the historic development of the Yaldham Manor estate. The demolition of the modern extensions is entirely appropriate, in my view, as they do not contribute to the character and appearance of the building. The proposed replacement extensions would result in a new two storey extension to the rear (west) with a similar form to that of the original (remaining) Lodge. A further extension is proposed to the south on 1½ storeys.
- 6.13 The extensions proposed, although partly replacement, could not, in my opinion, be considered as “limited or modest” in relation to the original Lodge. Whilst the design of the extensions may result in visual improvements to the aesthetics and external character of the dwelling, this benefit does not, when viewed in isolation, provide a sufficient case of VSC in itself.

- 6.14 The proposed works to the **Oast** (Plot 9) are substantial as this building is in a very poor state of repair, currently being supported by a variety of external props. The Oast is of significant historic value and, in my view, represents part of the built “heritage asset” on this site. Once repair works, restoration and refurbishment have been carried out the Oast would provide a large four bedroom dwelling. Where possible existing windows are to be retained.
- 6.15 It is my opinion that although structural works are proposed to the building, they are essential to the long term viability of the building and would not, in my view, constitute major rebuilding works. I therefore consider that the conversion of the Oast, structurally and in detailed design terms, is acceptable and would be in accordance with PPG2 and saved policy P6/15 of the Tonbridge and Malling Borough Local Plan 1998. For the same reasons, I consider the works to this curtilage listed structure are appropriate and sympathetic and would preserve and enhance the fabric and historic character of the building. The proposed conversion would therefore accord with PPG15 and BE6. The proposed conversion and extension to **Long Barn** (Plot 11) would involve the addition of a new “wing” on the west side of the barn of a similar form and proportion, the same roof pitch and ridge height, although a gabled roof is proposed rather than a barn hipped roof. The existing Long Barn is an open fronted cart barn and so new walls are proposed, along with full height glazing for the east elevation. A stone retaining wall is also proposed to sit forward of the principal (east) elevation. The proposed plans for the barn would result in a three bedroom dwelling.
- 6.16 The design of the conversion and extension of the Long Barn is contemporary with a bold glazing design, though the proposed materials are local with cedar boarding and a tiled roof. Although Long Barn is a curtilage Listed Building, it is in poor condition and in need of substantial restoration. This proposal would restore the structure which is desirable. In this instance, I consider the proposed conversion works would be acceptable as there are not many features on the building which could be retained in terms of openings etc.
- 6.17 However, in Green Belt terms, the principal of extension when conversion works take place is not normally acceptable. The compatibility of the extension to the barn in terms of its design and the creation of a suitable level of living space for the applicants does not, individually or cumulatively, provide a sufficient case of VSC sufficient to outweigh the policy objection to the extension.
- 6.18 Two replacement dwellings are proposed within the scheme, one at Rosemary Cottage (**Penstock**) and one at **Trift** (Plots 10 and 12). Both existing dwellings are bungalows and Rosemary Cottage has an extant permission for a large extension to the south. The proposed replacement at Trift would be a chalet bungalow with some first floor accommodation within the roof and would have a fairly traditional design. The replacement for Rosemary would be of a contemporary design.

- 6.19 In this case, both replacement dwellings are substantially larger in bulk and mass than the existing properties and would, in normal circumstances, be considered to be contrary to PPG2, causing harm to the openness of the Green Belt.
- 6.20 The design of the replacement for Trift is a H shaped structure with a steep roof pitch and gable features. An attached double garage is also proposed with storage space within the loft. The scale, form and external appearance of the proposed replacement at Trift is, in my view, an appropriate design for this rural location and would not give rise to harm to visual amenity. As this property is located on the edge of Kemsing Road and directly forward of the Manor, a contemporary aesthetic would not, in my view, be appropriate. Accordingly, whilst the design is, in isolation, acceptable, it does not override the policy objection to the proposal due to the size of the replacement dwelling.
- 6.21 The design of the proposed replacement for Rosemary Cottage (Penstock)(Plot 10) is one of a contemporary design though this is mainly created by the siting and layout of the mass of the building. The form and external materials proposed for the building are traditional, in that they are pitched roof forms with stone and timber wall finishes. The proposed glazing is also contemporary, although this has been scaled down for the proposed west elevation to soften views of the development from the wider countryside. There is a careful balance to be struck when proposing contemporary design in a historic setting and I consider this balance to be successfully achieved in this scheme.
- 6.22 The bulk and mass of the proposed replacement dwelling (Penstock) is significantly larger than the existing dwelling and, although the height of the proposal is much taller than the existing dwelling, the proposal would be sited on varying levels which would, to an extent, reduce this impact. Overall the bulk, mass and height of the proposal would result in a replacement dwelling which is significantly larger than the existing and, in this respect, is contrary to policy. Accordingly, whilst the design is, in isolation, acceptable, it does not override the policy objection to the proposal due to the size of the replacement dwelling.
- 6.23 The proposed **Units A, B and C** (Plots 5, 6 and 7) would be created in place of the existing central barn complex (shown as North Barn and Coach House on the existing site layout plan). The current proposal shows the existing barns to be demolished. The floor area is similar to that of the barns to be removed. The general design of Units A, B and C is one of a traditional barn style with stone walls and timber weatherboarding. The pattern of window and door openings is also consistent with a "conversion" approach. The overall design of these units is one of a rural, Kent vernacular and would therefore sit comfortably within this farm setting. It is my opinion that the proposed units A, B and C would not give rise to harm to visual amenity by virtue of their siting, layout, bulk, mass and external appearance.

- 6.24 The change from conversion of these barns to replacement with 3 units is a recent revision to the scheme. The applicants submitted this revision as a response to concerns expressed to them about the harmful impact of the previous proposals on the setting of the Manor (Plot 13) and St Martyn's Cottage (The Granary) (Plot 8), the state and stability of the existing barns and to make improvements to the scheme overall in terms of the openness of the western periphery. In addition, these changes would improve the overall viability of the proposal. The improvements to the overall impact of the proposal on the openness of the MGB were to reduce the footprint of Units E and F (Plots 2 and 3) and re-site the units away from the Lodge to open up views of the open countryside from the farm access track.
- 6.25 The conversion of the North Barn and Coach House (on the site of current Plots 5, 6 and 7) would have accounted for a substantial portion of the total costs for the scheme as a whole, and would have been of a similar level to the funds being set aside for the essential works to the Manor. It was felt that such a percentage of costs would be disproportionate to the historic merit of these barns and would dilute the case for enabling development for the main heritage assets (the Manor, The Granary and the Oast). In addition to this, the set of replacement barns creates a new separation between the main listed building to the south of the barns, and the barns themselves. This revised layout therefore, in my view, improves the setting of the Listed Buildings and ensures that the Manor is entirely removed from the proposals for the rest of the site.
- 6.26 Whilst the acceptability of the design of these units, the improvements to the financial viability of the scheme and to the setting of the listed buildings result in benefits to the wider development, these are not sufficient to overcome the Green Belt objections to the proposal. A case of VSC would therefore need to be accepted for the site on the grounds of enabling development to override the policy objections to Units A, B and C. Notwithstanding the above, there would be a fall back position for this area of the site in the form of the policy compliant option of converting the existing barns. It is my opinion that the proposed re-building of the barns with a like-for-like footprint and in a similar location would give rise to no more harm to openness than the conversion option. The impact to the openness of the MGB would be no worse, in my view, than the conversion of these barns in situ, irrespective of the merits of other units within the scheme.
- 6.27 **Woodmans** (Plot 4) is a proposed new build dwelling in place of the now demolished Chicken Sheds. Demolition of a dilapidated agricultural building and replacement with a new dwelling is not appropriate development within the Green Belt. However, the bulk and mass of the proposed new dwelling is significantly less than the chicken shed which was previously in this location. Woodmans would also be sited on varying levels which would, to an extent, reduce its impact. The design of Woodmans is acceptable as it has a traditional form and proportions and use of materials. However, the acceptability of the bulk and mass of the proposal,

the use of levels and the overall design does not override the policy objection to the proposal due to the inappropriateness of the a new dwelling in this location. A case of VSC is discussed at 6.29 below.

6.28 **Units F and E** (Plots 2 and 3) are new build dwellings which are not replacing any existing built form on the site. The design of Units E and F are traditional in their form and proportions though have a contemporary use of glazing and materials. These units have recently been re-sited to sit further south within the site and away from the Lodge, where they previously obscured countryside views and unduly impacted on visual openness from public vantage points from the farm access point. These two units have also been reduced in footprint. It is my view that the design of the units is acceptable and their siting would ensure all new development is orientated around the farm access. However, the acceptability of the design and siting of these units is not sufficient to outweigh the harm to the Green Belt through inappropriate development, hence the need for a case of very special circumstances.

The Case of Very Special Circumstances - Enabling Development:

6.29 In this case, the applicants have advanced a case of very special circumstances in the form of a case for enabling development. In this instance, the application intends that the scheme as a whole would generate revenue for the historic buildings on the site to be restored and, in the case of the Oast, and Long Barn, converted to residential use. The applicants have submitted a viability assessment which sets out that all of the development proposed is necessary to secure the required funds for restoration works and to achieve a reasonable developer profit as required.

6.30 English Heritage (EH) produced a revised policy statement in September 2008, Enabling Development and the Conservation of Significant Places 2nd Ed. The revised EH policy document is a practical guide to assessment. The EH guidance is not Government policy nor adopted as policy within the Council's Development Plan. However, EH guidance is a material consideration for the determination of proposals which raise enabling issues and has been allocated much weight within planning appeals. Enabling Development as a concept was also recently included within Draft PPS15: Planning for the Historic Environment Consultation (July 2009). Whilst the PPS is only in draft form, it does hold some weight and shows a commitment from Government to include enabling development within national level policy. The Draft PPS replicates some of EH's tests for enabling development, however the EH guidance has further tests which are not carried through in the PPS. Whilst the Draft form of PPS15, as emerging Government policy, contains policies to assess enabling development against, the current PPG does not.

6.31 Draft PPS15 has only recently been the subject of consultation and is therefore not at an advanced stage in approval. It indicates that Local Authorities should use the following criteria to determine whether the benefits of an application for enabling development for the future conservation of a heritage asset outweigh the dis-benefits of departing from the development plan:

- 1) Will it materially harm the significance of the asset or its setting?
- 2) Will it avoid detrimental fragmentation of management of the asset?
- 3) Will it secure the long term future of the asset and, where applicable, its continued use for a purpose sympathetic to its conservation?
- 4) Is it necessary to resolve problems arising from the inherent needs of the asset, rather than the circumstances of the present owner, or the purchase price paid?
- 5) Is there a source of funding that might support the asset without the need for enabling development?
- 6) Is the level of development the minimum necessary to secure the future conservation of the asset and of a design and type that minimises harm to other public interests?

6.32 The principal tests within the EH (2008) are very similar to the Draft PPS15 policy above, and indicates that EH considers that there should be a general presumption against 'enabling development' which does not meet all of the following criteria:

- 1) The enabling development will not materially detract from the archaeological, architectural, historic, landscape or biodiversity interest of the asset, or materially harm its setting.
- 2) The proposal avoids detrimental fragmentation of management of the heritage asset.
- 3) The enabling development will secure the long term future of the heritage asset and, where applicable, its continued use for a sympathetic purpose.
- 4) The problem arises from the inherent needs of the heritage asset, rather than the circumstances of the present owner or the purchase price paid.
- 5) Sufficient financial assistance is not available from any other source.
- 6) It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the heritage asset, and that its form minimises dis-benefits.

7) The value or benefit of the survival or enhancement of the heritage asset outweighs the long-term cost to the community (i.e. the dis-benefits) of providing the enabling development.

6.33 The EH guidance states that even if a scheme of enabling development meets all the above criteria, planning permission should **only** be granted if:

- The impact of the development is precisely defined at the outset, normally through the granting of full rather than outline planning permission;
- The achievement of the heritage objective is securely and enforceably linked to it, bearing in mind the guidance in DOE Circular 01/97, Planning Obligations;
- The heritage asset is repaired to an agreed standard, or the funds to do so made available, as early as possible in the course of the enabling development, ideally at the outset and certainly before completion or occupation;
- The planning authority closely monitors implementation, if necessary acting promptly to ensure a satisfactory outcome.

6.34 The 2008 EH guidance advises that it is not just the historic buildings which must be considered, but the historic complex as a whole, including the historic landscape associated with the buildings. In addition, where design is concerned it must be of a high quality and be in context with the site and its locality. The EH guidance states that "...whilst skilful design will make the most of opportunities which exist, intrinsic design quality cannot overcome objections of principal in relation to siting and volume." Draft PPS15 also refers to design quality within the setting of heritage assets, stating that LPAs "should take into account the desirability of enhancing the significance of heritage assets, securing their conservation for the longer term and utilising their positive role in place-making. "

6.35 Draft PPS15 goes on to state that LPAs "should aim to ensure that, where reasonably practicable, new developments are designed in a way that respects their setting and reinforces the distinctiveness of heritage assets they stand alongside, in terms of scale, height, massing, alignment, and use of materials. In doing so, local planning authorities should, in line with PPS1, take care to avoid stifling innovation and undermining investment in sustainable development."

Assessment of the proposal:

6.36 The overall analysis of this scheme will of course require assessment of the proposal against Development Plan Policy as well as Government and EH Guidance and all other material considerations.

- 6.37 Firstly, I am of the opinion that the siting, bulk, mass, scale and proportions of the proposals, as well as the external appearance, are in themselves suitable for this site and would sit comfortably within this historic setting. Whilst some of the new development would sit forward of the building line of the main house, it would follow the linear development along the farm access rather than interfere with the principal views of the Manor House. The Manor House would retain its own private access drive, which is lined with mature Lime Trees, and the formal gardens to the north, east and south of the house. I am satisfied that the proposals would not materially harm the significance of the heritage assets or their setting and thus complies with PPG15 and policy BE6 of the SEP.
- 6.38 Whilst the intention is to sell the resultant dwellings on the open market, there would be a management company established to manage the communal areas and this will need to be controlled by legal agreement. However, the principal Listed Building, the Manor, would be retained as a single unit of occupation. In listed building terms, this is vastly preferable to an alternative scheme such as fragmentation into small units by a flat conversion scheme. The proposal would also restore and conserve other historic buildings on the site which are in a dilapidated state, such as the Oast and Granary.
- 6.39 The package of proposals would ensure that the principal Listed Building, Yaldham Manor, is retained as a single dwellinghouse which is the historic use for this building and therefore sensitive and sympathetic to the building. St Martyn's Cottage (The Granary) would be linked with Posset and detached from the Manor by a small section of demolition. St Martyn's Cottage is historically a dwellinghouse and therefore the proposed use is, again, sympathetic. The Oast has been in a precarious state of repair for some time and would be supported structurally and partially re-built, though would be converted to a single dwellinghouse. Although this would be a new use for the Oast, I consider a residential use to be appropriate and sympathetic to the fabric and character of the building. The Long Barn would be converted and extended to form a single dwellinghouse. Again, this is a wholly new use for the Long Barn, though in this instance the extensions and other alterations would introduce contemporary design features. In the case of the Long Barn, I do not consider such an approach to be unsympathetic as this building does not hold the same historic or architectural character as the other curtilage structures mentioned above. I therefore consider that the proposal would secure the long term future of the identified assets and, where applicable, their continued use for a purpose sympathetic to their conservation.
- 6.40 The applicants have submitted a thorough financial/viability assessment of the scheme and I have sought specialist advice on the accuracy of the content and conclusions of that assessment. The submitted viability assessment has reflected the current market conditions by reassessment of the value of the site. The assessment also concludes that all of the proposed redevelopments and new developments are necessary to cover the repairs and renovations to the Manor, Granary and Oast and achieve a reasonable developer profit as is required. The

advice received is that the viability assessment is reasonable, especially given the current and expected state of the economy. This whole assessment has been critically tested by the Council's retained development surveyors.

- 6.41 Draft PPS15 and the EH guidance are seeking to ensure that developers do not seek enabling development as a mechanism to recover unforeseen costs or a high purchase price paid, through development which is otherwise contrary to policy. This proposal on this site could be said to have resulted from the purchase price paid at the height of the market and an assumption on the part of the developer that planning permission would be forthcoming. However, this site has been in the applicants' control for over 2 years and the initial applications in 2007 did, in my view, seek development which was too extensive and of unacceptable impact. I considered those proposals to be unacceptable, and the applications were subsequently withdrawn. The applicants have revised and reduced the scheme. The scale of development has been limited and the overall design revised advantageously. During that time the economy context has deteriorated and the applicants have reflected that change within their financial submission. It is also important to note that the applicants have been carrying out some essential repairs and temporary structural support works over the last 2 years as well as maintaining the landscaped gardens and the historic Yew hedging. It is therefore my opinion that this overall proposal is necessary to resolve problems arising from the inherent needs of the asset as a whole, rather than the purchase price paid. These are circumstances which, in my view, bearing in mind the advice we have received from our development surveyor, warrant a slightly different approach to that in the EH guidance and Draft PPS. In this case there is, in my view, a necessity to resolve these applications as swiftly as possible, as some of the site, the Oast and Granary in particular, will become more at risk and this must have some bearing on the overall assessment of the project.
- 6.42 With regard to sources of external funding, I am not aware of the applicants researching or investigating such options, but I am unaware of any sources of funding which would apply to a Grade II Listed house or its curtilage structures or be sufficient to meet the heritage deficit identified for this site. I appreciate that the Draft PPS15 and the EH guidance aim to ensure that all alternative avenues have been investigated prior to an agreement to enabling development. However, there is little likelihood that such funding is available to this site and, more importantly in this case, there is a strong likelihood that some of these assets will be lost or irrevocably damaged if permission is not granted and work did not commence on this site in the very near future. I therefore consider that the current condition of the buildings and the need for inward investment through the grant of permission for development, overrides the need for evidence of research in to external funding sources which would be unlikely to be fruitful.
- 6.43 The final principal test of the draft PPS15 is whether the level of development is the minimum necessary to secure the long term future conservation of the asset and is of a design and type that minimises harm to other public interests. The

viability assessment submitted by the applicants concludes that the level of development is the minimum necessary to secure the required funds for restoration of the Manor, Granary and Oast. Specialist advice by TMBC's retained valuers on the content and accuracy of the figures supplied by the applicant, confirms that the proposed development is the minimum necessary. The design of the proposals, in terms of their scale, form, proportion, siting and external appearance, are appropriate for this site and would minimise harm to other public interests such as the wider Green Belt and the setting of the Listed Building.

- 6.44 I am satisfied that the proposal sufficiently meets the intentions underlying Draft PPS15 and, where it does not, there are other material factors which outweigh the minor departures from the test. The EH guidance and Draft PPS15 set out an approach to enabling development which sets high standards that would be the optimum from EH's point of view. However, the LPA must assess proposals on a case by case basis, and weigh up and balance **all** material planning considerations, following specialist valuation advice, especially in current market conditions,
- 6.45 The EH guidance goes further than the PPS and seeks to ensure that, where the tests are met, a further set of tests must then be satisfied prior to an enabling case sufficiently demonstrated.
- 6.46 Any approval for enabling development should define the impact of the development at the outset. As it is a full planning application, I am satisfied that the true impacts of the proposal can be clearly identified.
- 6.47 Secondly, the achievement of the heritage objective is securely and enforceably linked to it through a Planning Obligation. Members will note that I recommend a Section 106 Agreement to tie the proposed development within the grounds and the main heritage assets.
- 6.48 The repairs to the heritage assets must be done to an agreed standard, or the funds to do so be made available, as early as possible in the course of the enabling development, ideally at the outset and certainly before completion or occupation. It is my intention to ensure the repairs are done to a high standard and the funds available to do so are made available at the outset, within the S106 Agreement if Members are minded to approve the application.
- 6.49 Finally, the LPA will closely monitor implementation, if necessary acting promptly to ensure a satisfactory outcome. The Council's enforcement, planning and conservation officers will be readily available to visit the site routinely during works on site and, if necessary, take action where a breach of condition or legislation takes place.
- 6.50 EH considers that Yaldham Manor is not a site where enabling development is necessary and therefore recommends that planning and listed building consent be refused. I take on board these comments, however they are limited to the

assessment of the proposal against the strict EH tests and I consider there are other factors in this proposal which should be taken into account. I have gone through the various tests required by the EH guidance and now incorporated into the Draft PPS and find that this site does represent an enabling scheme. The applicants have significantly reduced the value of the site from the earlier applications to the present ones and have gone a long way to overcoming issues of siting, scale and design. There are also significant improvements identified to the setting of the Manor and the benefits attributed to the sympathetic re-use of the Oast and Long Barn, notwithstanding the much needed restoration and conservation works identified for the Manor and Granary. This site is, in the current market, at risk of being left to degrade further if permission is not forthcoming. Due to the isolated position of the house it would be susceptible to vandalism and, if works did not commence on site swiftly, the Oast would very soon collapse. In addition, the site is a mixture of policy compliant development, partially compliant, and non-compliant development which is very difficult to directly relate to the EH guidance. Wider benefits to individual buildings and the site as a whole have been identified throughout this report. This site therefore has, in my view, special circumstances which should be taken into account and I consider, on balance, a sufficient case of enabling development has been demonstrated. While ideally we would want any scheme to adhere to all aspects of EH Guidance and Draft PPS15 this is highly unlikely to be achieved in the current market.

Other Considerations:

- 6.51 There are other issues which must now be addressed, being sustainability and renewable energy, affordable housing, archaeology, biodiversity, contamination, highway matters, impact on the AONB and landscape quality, and residential amenity. I shall now address these issues in turn.
- 6.52 The site is not within a defined settlement and is some way from the village of Wrotham. With regard to PPS1, development should be sited in sustainable locations which contribute to existing communities, are well designed and preserve the countryside and the historic environment. Although the application site is in an isolated position it has an existing set of uses as several dwellings, a commercial use and agricultural use. This site has the potential for commercial uses in compliance with PPS7. The proposal would remove the agricultural and commercial uses and increase the number of residential properties. Any harmful impact in environmental sustainability terms is outweighed by the enhancement of the historic environment through preservation of the existing fabric and improvements to the setting. The proposal is well designed, as discussed previously, and would positively contribute to visual amenity and general well being for those who would occupy the site.
- 6.53 The applicants have submitted a renewable energy statement which states that the proposals include energy efficiency measures to reduce energy demand and carbon dioxide emissions from the residential units. The renewable energy

systems in this case would be air source heat pumps which would serve the new build units on site. The renewable energy scheme can be required by condition for all appropriate units and, accordingly, the proposal would accord with policy CP1 of the TMBCS.

- 6.54 The proposal is above the threshold in the Council's affordable housing policy, CP17 of Tonbridge and Malling Borough Core Strategy 2007, by number and site area. Whilst I appreciate that a 40% contribution to affordable housing would normally be included within an application of this scale, this would result in the scheme either being completely unviable, or needing to increase the number of new dwellings in the Green Belt to result in a viable scheme with affordable housing. I do not consider that this site is an appropriate site for affordable housing, as the main justification for the development is to meet the inherent needs of the heritage assets on site. I also consider that the site is not an ideal location for affordable housing. It is therefore my view that neither on-site provision nor any type of contribution should be required within this enabling scheme.
- 6.55 The applicants have produced a desk based Archaeology Assessment which provides a good overview of the standing archaeology on site and the likelihood for buried remains. KCC Heritage has offered comments on the assessment and are pleased with the level of detail but have some queries regarding the necessary mitigation measures. They also consider further work should ideally be carried out on some of the areas of this site prior to the exact position of some of the new units being finalised. A two stage condition has been recommended which seeks further field evaluation with a written specification and timetable, along with measures to ensure safeguarding measures and/or recording works are taken following further site evaluation. It is my view that the necessary addition of archaeological work required could be dealt with by the recommended condition and, if slight re-siting of some of the units was required as a result of excavations, such amendments could be done through the submission of revised plans for approval. Given the amount of development already on site, especially in the farm buildings, there must be a high risk that any remains may have already been damaged in the last century. I therefore consider that, subject to a suitable condition, the archaeological heritage of this site will be sympathetically recorded and where possible, preserved.
- 6.56 The applicant has submitted a Protected Species Report as this site (within the rear grounds of Yaldham Manor house) has a history of Great Crested Newts. In addition, due to the existing barns and Oast being seldom used there is a possibility of bats and owls being present on site and Bat Surveys have therefore been provided. The report has confirmed a small population of smooth and great crested newts in two ponds on site, though these ponds are some distance away from the development areas of this site and should not therefore be unduly affected. The lawned area of the main garden is maintained with newts in mind, with good terrestrial habitat around the two ponds and grassland strips maintained across the lawn at the base of the ornamental trees and shrubs. In conclusion, the

report does not consider the proposal would cause harm to the Great Crested Newt population. Subject to a detailed mitigation strategy being submitted prior to commencement, Natural England raises no objection to the proposal with regard to the newt population.

- 6.57 With regard to bats, the submitted survey indicates that there are bats present within the application site. The indicative proposals set out in the application, however, appear sufficient to mitigate any potential impacts on bat populations. Therefore, subject to a condition, Natural England is satisfied that these proposals should not be detrimental to the maintenance of the population of the species present on site.
- 6.58 A preliminary risk assessment has been submitted in relation to land contamination. DHH is satisfied with the findings of the report and its recommendations, subject to a comprehensive condition requiring further investigation and a scheme for removal of any contamination found, among other requirements. The suggested condition is appropriate to ensure the development is safe for its intended end use.
- 6.59 The applicants have commissioned a Transport Assessment which compares the existing uses on site with the proposal in terms of traffic movements. The existing/permitted uses generate a total of 58 vehicle trips per day (two way) based on average trip rates. The peak hours would be 4-5 vehicles trips (two way). The proposed development would generate 80 vehicle trips per day (two way), based on average trip rates and 6-7 two way trips in a peak hour. Accordingly, whilst there is an increase in average trips and peak hour trips, that increase is in the region of 37% for trips on an average day. Although 37% could not be argued to be marginal, it would result in the loss of agricultural traffic such as tractors and associated equipment as well as deliveries/collections using this access and the potential for permitted commercial trips would cease. I therefore consider that the overall need for enabling development on this site justifies this roughly one third increase in trips. KCC Highways raises no objection to the proposal subject to conditions.
- 6.60 The proposal lies within the Kent Downs AONB where proposals must be assessed against Policy C3 of the SEP and CP7 of the TMBCS. The site, as set out previously, is well screened from public views and, where proposals would be visible, they have been found to not result in harm to visual amenity. It is for these same reasons that I consider the proposal to be closely related to the existing built form on site, and of a bulk and scale which is in keeping with the historic development of an estate like Yaldham. Accordingly, I do not consider the proposal would result in undue harm to the natural beauty or landscape quality of the area.

6.61 West Kent PCT has requested contributions to healthcare. I do not consider that such a contribution is appropriate in this instance as it would simply serve to undermine the viability of the scheme, which would in turn affect the available funds for essential works to the heritage assets. Moreover, no project is identified which would be brought forward by such payments.

6.62 Finally the proposal must be assessed with regard to residential amenity. All of the units, apart from Units A-C, would sit within their own grounds, a sufficient distance from other units to militate against overlooking. Unit C could give rise to overlooking if new windows were not restricted. I therefore consider the proposal would not give rise to harm to residential amenity, subject to restrictive conditions and would therefore, in that respect, accord with policy CP24 of the TMCS.

Conclusion:

6.63 To overcome the harm resulting from the proposal, both in terms of harm in principle to the Green Belt and harm by virtue of new dwellings or additional bulk, a sufficient case of very special circumstances must be demonstrated if the scheme is to be supported by a positive recommendation. In this case this has been advanced through a case of enabling development. I consider that the harm to Green Belt policy will be outweighed by the restoration and conservation of heritage assets on site and the enhancement of the setting of the Listed Building through improved separation and a high quality and well designed scheme for redevelopment. I do not consider that the scheme will physically impact upon the Green Belt in a way which erodes the openness at the fringes of or beyond the limits of the historic complex of Yaldham Manor.

6.64 All other matters affecting the site and the proposal have been considered and various conditions will be attached to any approval to ensure that the development is carried out in accordance with policy and other legislation. I recognise that this balance of considerations goes beyond what is anticipated in the EH guidance but, given the current state of the economy, I cannot conceive that circumstances will so improve in the foreseeable future such that economic conditions will allow the main house to be successfully renovated and sold without the need for some cross-subsidy.

6.65 I therefore consider that, on balance, the proposal is acceptable and duly recommend approval, subject to referral to the Government Office for the South East due to the departure from the development plan and subject to a S106 Agreement taking place between the Council and the applicants.

7. Recommendation

(A) TM/08/03638/FL:

7.1 Grant Planning Permission subject to:

- **referral to GOSE,**
- **the completion of a Section 106 Agreement:**

The S106 Agreement shall ensure that the following matters are adequately dealt with:

- The applicants to undertake to commence the programme of underpinning, structural restoration and essential repairs to Oast as a matter of priority and before the submission and approval of details in respect of the other units to be created/renovated on the site.
- The practical completion of the refurbishment of the Manor, Granary and the Oast to occur before first occupation of any new build or conversion units.
- A management plan for the estate both during construction and after completion shall be submitted before development is commenced. This shall demonstrate good husbandry in terms of the development period and show how residual land within the application site will be held and maintained by the developer and then transferred to the new owners depending on the extent and terms of the transfer.
- Details of a management company to be set up to deal with general maintenance and shared infrastructure, including surrounding agricultural land, in the long term after the development is complete.
- In relation to any agricultural land included with the 2007 purchase of the Yaldham Manor Estate, all proceeds from any subsequent disposal/income from the land shall be vested with the management company for ongoing maintenance of heritage assets, the Manor gardens, shared infrastructure and any retained surrounding agricultural land.
- **And subject to the following conditions:**

Time and General 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 of any plot shall take place until details and samples of all materials to be used externally related to that plot 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 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, F and G of Part 1 of Schedule 2 of that Order on any plot unless planning permission has been granted on an application relating thereto.

Reason: In the interests of preserving the openness of the Green Belt.

- 4 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 boundary enclosures shall be carried out within 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 preserving the rural amenities of the locality.

- 5 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the south elevation of Unit C (Plot 5) other than as hereby approved, without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy of adjoining property.

Pre-conditions:

- 6 No development of Plot numbers 2, 3, 4, 5, 6, 7, 10 and 12 shall take place until details of any joinery to the relevant plot have been submitted to and approved in writing 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 visual amenity of the locality.

- 7 No development of Plot numbers 2, 3, 4, 5, 6, 7, 10 and 12 shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment to the whole site which shall include a timetable of implementation and a maintenance regime. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented in accordance with the approved scheme and timetable. 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 and retained thereafter.

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.

- 8 No development of any plot shall take place until details of the size and external appearance of the garden store for that plot have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

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

- 9 No development shall be commenced until:

(a) Further investigation has been undertaken using the information obtained from the preliminary risk assessment report prepared by Bureau Veritas (dated August 2007) to determine the nature and extent of any contamination, and

(b) the results of the investigation, together with a risk 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 (method statement) 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 upon completion of the remediation a report shall be submitted to the LPA that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

(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.

(e) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, for an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with and from the date of approval the addendum(s) shall form part of the Method Statement.

Reason: To ensure that the development complies with the approved details in the interests of protection of the environment and harm to human health.

10 No development shall take place until

i) archaeological field evaluation work has been carried out in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

ii) following on from the evaluation, the development shall include any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

11 Prior to the commencement of any works which may affect Great Crested Newts or their habitat, a detailed mitigation strategy shall be submitted to, and approved in writing by, the Local Planning Authority. All works shall then proceed in accordance with the approved strategy with any amendments agreed in writing.

Reason: In the interests of safeguarding protected species.

- 12 Prior to the commencement of any works which may affect Bats or their habitat, a detailed mitigation strategy shall be submitted to, and approved in writing by, the Local Planning Authority. All works shall then proceed in accordance with the approved strategy with any amendments agreed in writing.

Reason: In the interests of safeguarding protected species

- 13 No occupation of any unit shall commence until details of a scheme for the storage and screening of refuse for that unit has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

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

- 14 No development of Plots 2, 3, 4, 5, 6, 7, 10 and 12 shall commence until details of the method of construction and proposed materials for the access road and driveways for those units have been submitted to and approved by the Local Planning Authority. The access road and driveways shall be provided surfaced and drained prior to the first occupation of any unit, other than the main Manor house.

Reason: In the interests of ensuring safe vehicular access.

- 15 No development of Plots 2, 3, 4, 5, 6, 7, 10 and 12 shall take place until details of a scheme of external lighting for the whole development have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

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

Other conditions:

- 16 No dwelling shall be 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 and 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 or garaging of vehicles is likely to lead to hazardous on-street parking.

- 17 The garage(s) shown on the approved plan shall be kept available at all times for the parking of private motor vehicles.

Reason: In the interests of reducing the number of visible vehicles on the site in the interests on the rural amenities of the locality.

- 18 No building shall be occupied until the area shown on the approved plan as a turning area 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 and 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 turning area.

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.

- 19 The garages hereby approved for Plots 5, 6 and 7 shall be open fronted and no garage doors shall be inserted without the prior written consent of the Local Planning Authority.

Reason: In the interests of ensuring a vehicle can access the parking area without waiting on the access road, and to ensure the garages are used for the parking of vehicles.

- 20 Prior to first occupation, Plot numbers 2, 3, 4, 5, 6, 7, 10 and 12 together with the extension to Plot 1 shall have installed energy efficient measures and air source heat pumps. These measures shall be as detailed in the Renewable Energy Statement hereby approved unless otherwise agreed by the Local Planning Authority.

Reason: In the interests of sustainable development and the environment.

- 21 The existing trees and shrubs shown on the approved plan, other than any specifically shown to be removed, shall not be lopped, topped, felled, uprooted or wilfully destroyed without the prior written consent of the Local Planning Authority, and any planting removed with or without such consent shall be replaced within 12 months with suitable stock, adequately staked and tied and shall thereafter be maintained for a period of ten years.

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.

- 22 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.

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.

- 23 All soil, vent and waste pipes, except for the termination, shall be constructed within the buildings.

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

- 24 None of the buildings hereby permitted shall be occupied until underground ducts have been installed by the developer to enable telephone, electricity and communal telephone services to be connected to any premises within the site without recourse to the erection of distribution poles and overhead lines and 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 distribution pole or overhead line shall be erected within the area except with the express written consent of the Local Planning Authority.

Reason: In the interests of visual amenity.

- 25 Any replacement windows required in the future of the development on any unlisted unit shall be in exact accordance with the joinery details approved under condition 6 above, unless otherwise agreed by the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity.

Informatives

- 1 The plot numbers referred-to in the conditions above are those shown on plan no. 09/1539/10 date stamped 15.09.2009.
- 2 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.
- 3 Where a development affects great crested newts, their breeding sites or their places used for shelter or protection, work may need to be conducted under a Regulation 44(2)(e)3 overriding public interest licence. These licences are administered by the Wildlife Management and Licensing Unit of Natural England who can be contacted on 0845 601 4523 for further information on the licensing process.
- 4 Where a development affects bats or their places used for shelter or protection, work may need to be conducted under a Regulation 44(2)(e)2 overriding public interest licence. These licences are administered by the Wildlife Management and Licensing Unit of Natural England who can be contacted on 0845 601 4523 for further information on the licensing process.
- 5 It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the applicant should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation. Failure to do so may result in fines and potentially, a custodial sentence.
- 6 To reduce the severity of domestic property fires and the number of injuries resulting the Fire Officer recommends that consideration should be given to the installation of a sprinkler system in all new properties.
- 7 Tonbridge and Malling Borough Council operate a two wheeled bin and green box recycling refuse collection service from the boundary of the property. Bins/boxes should be stored within the boundary of the property and placed at the nearest point to the public highway on the relevant collection day.
- 8 The applicant is advised to contact the Health and Safety Executive for advice regarding asbestos and its safe removal. Any asbestos found on site must be removed in a controlled manner by an appropriately qualified operator.

- 9 The applicant is reminded that it is a legal requirement to have a Site Waste Management Plan for all new construction projects worth more than £300K.
- 10 The applicant is reminded that the disposal of demolition waste by incineration is contrary to Waste Management Legislation.
- 11 The applicant is reminded that any new gates or entrance feature would require separate Planning Permission as it would affect an enclosure around a Listed Building.
- 12 You are advised that any hardstandings should be made of porous material or provision should be made to direct water run-off from the hard surface to a permeable or porous area within the curtilage of the site.
- 13 Any public right of way which crosses the site shall be retained on its existing line or on such other line as may be legally established and be kept free from physical obstruction.
- 14 With regard to the diversion of the footpath/bridleway, the applicant must contact Kent County Council, Strategic Planning, West Kent PROW, 8 Abbey Wood Road, Kings Hill, West Malling, Kent, ME19 4YT. Tel: (01732) 872829.
- 15 With regard to works within the limits of the highway, the applicant is asked to consult The Community Delivery Manager, Kent County Council, Kent Highway Services, Double Day House, St Michaels Close, Aylesford Tel: 08458 247 800.

(B) TM/08/03639/LB:

7.2 Grant Listed Building Consent subject to:

- **referral to GOSE,**
- **subject to the following conditions:**

- 1 The development and works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

Reason: In pursuance of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2 No development of the extension to the Manor or partial demolition of the Posset hereby approved shall take place until a method statement and details and samples of all materials to be used 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 No development of Plots 1, 8, 9 and 13, shall take place until details of any joinery to be used within the related plot have been submitted to and approved in writing 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 visual amenity of the locality.

- 4 No development of Plots 8, 9 and 13 shall take place until details of all new internal materials, including new or upgraded floors, ceilings, walls and internal joinery to be used within the related plot, have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

Reason: To ensure that the development does not harm the character and appearance of the existing buildings

- 5 No development of Plots 8, 9, 11 and 13 shall take place until details of a method statement for new services and new insulation within the related plot have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

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

- 6 The standard of workmanship achieved in the carrying out of the development of Plots 8, 9, 11 and 13 shall conform to the best building practice in accordance with the appropriate British Standard Code of Practice (or EU equivalent).

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

- 7 No development shall commence until details have been submitted to and approved by the Local Planning Authority to ensure that precautions are taken to secure and protect interior features (other than those for which specific consent is granted) against accidental loss or damage or theft during the building works. No such feature shall be disturbed on removal, either temporarily or permanently, except as indicated on the approved drawings or with prior approval in writing of the Local Planning Authority.

Reason: To ensure that special regard is paid to specific architectural features or fixtures and to ensure these are protected from damage or loss during the course of works.

- 8 No development shall commence until a Fire Safety Strategy and Method Statement has been submitted to and approved by the Local Planning Authority and works shall be carried out as approved.

Reason: To ensure that special regard is paid to the interests of the protecting the special character and architectural interest and integrity of the building under section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

- 9 Demolition work hereby approved on Plots 8, 9 and 13 shall be carried out by hand or by tools held in the hand other than power-driven tools.

Reason: In the interests of ensuring that no damage is caused to the part of the building which is to be retained.

- 10 Any hidden historic features revealed during the course of works in the principal building and in the excavation to facilitate the new wing shall be retained in-situ. Works shall be suspended in the relevant area of the building and the Local Planning Authority notified immediately. Provision shall be made for their retention and/or proper recording, as required by the Council.

Reason: To ensure that special regard is paid to the interests of the protecting the special character and architectural interest and integrity of the building under section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

- 11 No development shall commence on Plots 8, 9, 11 and 13 until details of

Informatives

- 1 The plot numbers referred-to in the conditions above are those shown on plan no. 09/1539/10 date stamped 15.09.2009.

Contact: Lucy Stainton