

<b>East Peckham</b>	<b>567391 147451</b>	<b>(A) 21 July 2008</b>	<b>(A) TM/08/02257/FL</b>
		<b>(B) 9 April 2008</b>	<b>(B) TM/09/00840/FL</b>
		<b>(C) 15 September 2009</b>	<b>(C) TM/09/02211/FL</b>
		<b>(D) 15 September 2009</b>	<b>(D) TM/09/02212/LB</b>

East Peckham And  
Golden Green

Proposal:

- (A) Retrospective application for creation of a miniature driving school including construction of a hard surface track with raised kerb stones, street furniture and timber post fencing and associated one storey pitched roof building with ornamental petrol pumps
- (B) Retrospective application for the erection of a marquee structure with hard surface base and related drainage works for a temporary period of five years
- (C) Proposed alterations to frontage to create an enclosure under the existing decking of Bell 3
- (D) Listed Building Application: Proposed alterations to frontage to create an enclosure under the existing decking of Bell 3

Location:

- (A) + (B) The Hop Farm Country Park Maidstone Road Paddock Wood Tonbridge Kent TN12 6PY
- (C) + (D) Bell 3 The Hop Farm Country Park Maidstone Road Paddock Wood Tonbridge Kent TN12 6PY

Applicant: Mr Peter Bull

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## 1. Description:

### (A) TM/08/02257/FL:

1.1 The miniature driving school was built in December 2007 and is used by young children in motorised miniature vehicles and comprises tarmac hardsurfacing forming roads and junctions with concrete kerbs around areas of grass. There is associated miniature signage and street furniture with a low building 3.2m high representing a miniature petrol service station with a footprint of approx. 43 sqm. This includes a reception, garage and briefing area. The building is timber clad, painted white with a green felt roof. The driving school is surrounded by timber fencing and covers 1024 sqm. The application form states surface water is drained to a soakaway.

### (B) TM/09/00840/FL:

1.2 The marquee was first erected in May 2008 and the application seeks permission until 2013 or until alternative permanent facilities are secured. It has a fabric covering over a steel frame. The main part of the marquee measures 55.6m by 34.25m, 12m to the ridge. The supporting frame projects a further 2m above the ridge. It has blue and red striped faces and a blue roof. There is a smaller white

marquee attached on the eastern side, forming an entrance lobby, measuring 14.4m by 26.8m max. There is a concrete base around the marquee with a number of emergency exits. The application details that surface water drainage is to be a French drain system comprising 260mm diameter pipes permeable to water to be set 750mm from the faces of the marquee on all of its sides and to run off in a non permeable pipe 260mm diameter to the SE to reach an attenuation ditch 50m long terminating at a manhole north of the car park. The interaction of the French drain with concrete emergency exits of the marquee is not clear but it is the agent's contention is that the French drain arrangement will act as a sump to reduce ponding at the base of the marquees sides. The agent states that the drainage proposed will cope with a 1 in 30 year storm event and the geotextile membrane will surround the pipes to prevent siltation blocking.

**(C) TM/09/02211/FL & (D) TM/09/02212/LB:**

- 1.3 Bell 3 is one of the five listed oasthouses on this site. It has a raised timber deck (greenstage) on its southern flank measuring 29m by 5m. There are 10 sets of timber posts supporting timber decking above. Since 2007, the spaces between the posts have been infilled at ground floor level by an assortment of structures associated with the use of Bell 3 as a children's play zone. For example, there are a number of "miniature shopfronts". It is now proposed to regularise the principle of the infilling of the area under the greenstage but with a revised scheme comprising insulated stud walls clad with white weatherboarding. For some of the bays, the weatherboarding will form a solid front to the bay but in 5 of the bays, the wall will abut the posts but angle back to recessed sets of glazed doors which are intended to provide access and daylight to children's play areas proposed to be created under the greenstage.

**2. Reason for reporting to Committee:**

- 2.1 These applications need to be considered in the context of enforcement investigations reported in this agenda.

**3. The Sites:**

- 3.1 The application sites are situated within or adjacent to the confines of the Hop Farm, on Maidstone Road, Paddock Wood. The sites are within the Metropolitan Green Belt but defined as a tourist site in the Local Plan under saved policy P6/25 that allows for further tourist related development on the site (or adjacent to it) subject to compliance with an approved Master Plan/Planning Brief and respecting the setting of the listed buildings.
- 3.2 Bell 3 is a Grade II\* listed building, an oasthouse with 5 roundels to its north side and a timber decked platform (greenstage) on its south side.

3.3 The driving school was constructed on land that was an area of grass paddock west of Bells 1-4 and north-east of Bell 5. The blue marquee and the hardstanding base are built on part of an events field, to the west of the main Hop Farm complex.

3.4 All the sites are within a Flood Risk zone 3 according to the EA's records.

**4. Planning History (selected):**

TM/82/11025/FUL Grant with conditions 18 November 1982

Conversion of oast houses to form new farm offices, agricultural museums, craft workshops, refreshment rooms and open recreational uses (including farm walk, picnic area, nature walk and fishing).

TM/85/10529/FUL Application Withdrawn 9 January 1985

Construction of single replacement hop picking, hop drying and general purpose agricultural building (1951 sq.m.).

TM/85/10530/LBC Grant with conditions 31 January 1985

Demolition of 2 corrugated asbestos sheet covered modern barns situated within the curtilage of Listed oasts and barns.

TM/85/10541/FUL Grant with conditions 28 February 1985

Application for continued permanent use of oasthouses as farm offices, agricultural museums, craft workshops and refreshment rooms together with open recreational use for adjoining land, resiting of car and coach parks and associated new ac

TM/89/10900/FUL Grant with conditions 17 November 1989

Sewage Treatment Plant

TM/89/10944/FUL Grant with conditions 10 November 1989

Stable block (Revised Scheme).

TM/89/11061/FUL Grant with conditions 16 January 1989

Single storey entrance/administration block (revised scheme).

TM/89/11407/FUL Grant with conditions 15 February 1989

Stable block with ancillary areas including staff facilities, harness room, farriers and small souvenir shop.

TM/90/10553/LBC Grant with conditions 6 November 1990

Listed Building Application: Proposed improvements to the means of escape in case of fire.

TM/90/10568/FUL Grant with conditions 5 November 1990

Two steel fire escapes, alterations to escape door, replacement of window by doorway and internal alterations.

TM/90/11600/LBC Grant with conditions 13 July 1990

Listed Building Application: Addition of flue and ventilation grills to external walls.

TM/90/11708/ADV Grant with conditions 15 May 1990

3 No. 'Forthcoming Events' display boards and 2 No replacement entrance signs.

TM/95/51683/LB Grant With Conditions 23 February 1996

Listed Building Application: Stair alterations to Bell 3

TM/99/01029/FL Section 73A Approved 10 August 2000

Application under Section 73A for resiting of existing animal farm and erection of buildings

TM/03/02493/FLEA Called in by secretary of state 30 December 2005

Construction of 64 no. holiday let units and managers unit with associated walkways and access and parking areas

TM/07/00861/FL Approved 8 August 2007

Erection of an activity and climbing course (retrospective)

TM/07/01114/RD Approved 18 May 2007

Details of materials submitted pursuant to condition 2 of planning permission TM/03/02493/FLEA (Construction of 64 no. holiday let units and managers unit with associated walkways and access and parking areas)

TM/07/01171/RD Approved 30 May 2007

Details of programme of archaeological work submitted pursuant to condition 27.3 of permission TM/03/02493/FLEA: Construction of 64 no. holiday let units and managers unit with associated walkways and access and parking areas

TM/07/02931/RD      Application Not                      22 September 2009  
  Proceeded With

Details of badger survey, ecological mitigation scheme for protection and management of southern ditch pursuant to conditions 10, 11 and 12 of planning permission TM/03/02493/FLEA: Construction of 64 no. holiday let units and managers unit with associated walkways and access and parking areas

TM/08/02143/EASC    screening opinion EIA            30 July 2008  
  not required

Request for Screening Opinion under Regulation 5 of the Town And Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 for development of 60 bed hotel and restaurant facility

TM/08/02202/FL      Approved                              7 November 2008

Retrospective application for the erection of extension to existing building to provide entrance to Pizza Parlour

TM/08/02203/FL      Approved                              5 September 2008

Retrospective application for the erection of a timber framed gazebo structure with shingle tile roof, timber trellis panels and a part stone, brick block paved/tarmac structure walkway with red brick retaining wall and planters

TM/08/02204/LB      Approved                              26 November 2008

Listed Building Application: Retrospective application for enclosure of open area under flat roof decking to front of Bell 4

TM/08/02260/FL      Refuse                                    12 January 2009

Retrospective application for the erection of stables and small animal enclosures sited behind Bell 4

TM/08/02277/LB      Refuse                                    12 January 2009

Retrospective application for the erection of stables and small animal enclosures sited behind Bell 4

TM/08/02546/FL      Refuse                                    12 January 2009

Retrospective application for the erection of a children's climbing frame attached to front elevation of Bell 3 at first floor level, and placement of additional planks over existing decking

TM/08/02547/LB      Refuse                                    12 January 2009

Listed Building Application: Retrospective application for the erection of a children's climbing frame attached to front elevation of Bell 3 at first floor level, and placement of additional planks over existing decking

TM/08/02802/FL      Approved      5 November 2008

Retrospective application for the erection of two toilet cabins for a temporary period of 10 years

TM/09/00054/FL      Approved      9 April 2009

Works to the existing reception/administration/retail building including reconfiguration of internal uses to accommodate reception area/offices retail/tea room, associated alterations to external elevations, and the erection of a pergola structure to facilitate the sale of plants and associated products on land to the front of the building

TM/09/00294/FL      Section 106 Agreement  
Pending

Variation of condition 4 of planning permission TM/03/02493/FLEA (Construction of 64 no. holiday let units and managers unit with associated walkways and access and parking areas) to allow the parking and turning areas to be provided in phases

TM/09/01015/FL      Approved      9 December 2009

Retrospective application for the erection of stables and small animal enclosures including ground works sited behind Bell 4

TM/09/01016/LB      Approved      8 December 2009

Retrospective Listed Building Application for the erection of stables and small animal enclosures including ground works sited behind Bell 4

TM/09/01643/EASC      screening opinion EIA      16 July 2009  
not required

Request for Screening Opinion under Regulation 5 of the Town And Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 for development of 60 bed hotel and restaurant facility, 16 holiday lodges and conference centre with display space at ground floor

TM/09/01916/RD      Approved      23 September 2009

Details of flood attenuation (condition 3) and landscaping (condition 6) submitted pursuant to planning permission TM/09/00054/FL: Works to the existing reception/administration/retail building including reconfiguration of internal uses to accommodate reception area/offices retail/tea room, associated alterations to external elevations, and the erection of a pergola structure to facilitate the sale of plants and associated products on land to the front of the building

TM/09/02051/RD      Approved

25 November 2009

Reserved details of conditions 3 (Archaeological Watching Brief), 6 (scheme of landscaping and boundary treatment), 7 (landscape management plan), 8 (details of directional signage), 10 (badger survey) and 12 (scheme for protection and management of the southern ditch) of planning permission ref.

TM/03/02493/FLEA (erection of 64 holiday let units and managers unit with associated walkways and access and parking areas)

TM/09/02173/FL      Approved

21 December 2009

Improvements to the existing first floor accommodation at Building 7 including alterations to 3 no. existing 1-bedroom/studio flats and the conversion of the existing HMO into 1 no. 3-bedroom flat.

TM/10/00759/FL      Pending

Development of a new conference facility to replace existing building and erection of a 60 bed hotel, restaurant and 16 holiday lodges

## **5. Consultees:**

### **(A) TM/08/02257/FL:**

- 5.1 PC: Objection: the one storey building is out of character with the nearby listed buildings.
- 5.2 Private Reps (5/0S/0X/0R) + Art 8 Site and Press Notice: No response.
- 5.3 EA: No objection: The development itself is appropriate in terms of flood risk, but there should be adequate means of disposal of surface water to ensure that increased runoff does not increase flood risk elsewhere.
- 5.4 Upper Medway IDB: The Board objects to this application on the grounds that no onsite attenuation has been included. Soakaways will not provide the appropriate surface water attenuation during the winter months. Discharging to any local watercourse needs to be attenuated to 7 l/s/ha for the 1:100 year return storm. The Hop Farm complex has gradually built up its areas of hardstanding, all of which do not appear to have any surface water attenuation. This must be addressed when the Council considers other developments of similar sizes having to provide the relevant surface water attenuation in an attempt to reduce the effects of additional surface water within the flood plain.

### **(B) TM/09/00840/FL:**

- 5.5 TWBC: No objection.
- 5.6 MBC: No objection.

- 5.7 PC: Objection: not in-keeping; unsightly; close proximity to listed oast houses; risk of flooding; inappropriate flood attenuation scheme.
- 5.8 Private Reps: (5/0S/0X/0R) + Departure/Major Development Press and site notices: No response.
- 5.9 DHH: Any music in the marquee will be the subject of separate controls.
- 5.10 KHS: No highway implications.
- 5.11 EA: Original objection removed following receipt of the FRA as it shows that flood depths are likely to be low and we acknowledge that flood velocities are also unlikely to be high at this location, so the risk of the marquee obstructing flood flows is therefore likely to be low. As the proposal is temporary and the effects of climate change have not been taken into account, we would request a condition that any permission granted will expire after no more than five years. As this site lies within the jurisdiction of the Upper Medway Internal Drainage Board, their advice on the suitability of the drainage scheme should be heeded
- 5.12 Upper Medway IDB: Objection: the marquee and hard standing cover a considerable area- the surface water drainage has not been attenuated to the equivalent green field area. The French drain and perforated pipe system is cheap and ineffective. They will be taken with run off from the surrounding fields not just the marquee run off. The site lies in the 1:100 indicative flood plain, there is a risk to life. If the figures are correct, the car park area will be under water. This inappropriate flood attenuation means if anyone was not affected within the Marquee itself they may struggle to be able to get back to their cars.
- 5.12.1 FRA 3.27 basically makes it sound like there is a 0.6 m rise over the length of the marquee but a slope of that magnitude would definitely be noticeable over such a short length. In my experience, pipes used that are less than 300mm are prone to blocking up very easily. You need to ensure the pipes they have mentioned they have used are there. I was on site recently and cannot remember seeing any way of collecting or transporting surface water away. TMBC need to have a stricter control on the structures being built within the Hop Farm. In the last 10 years the site must have doubled in size with almost no planning permissions attached. The Board is also taking action against them because of building numerous structures along its adopted watercourse (the Tudeley brook) without consent.
- 5.12.2 The FRA refers to the Leigh Barrier. I agree it has a huge benefit on reducing flood flows through Tonbridge and was especially effective in 2000. But the Hop Farm area can be massively affected by other elements within the catchment other than the Medway. These include:-The River Bourne, River Teise, River Beult all join the Medway with 1000m, 2500m, 3000m respectively. All three can reduce the amount of downstream flow on the Medway and force a backing up scenario. If all 4 rivers are operating at out of bank conditions at the same time the threat to life is high. Paddock Wood is especially vulnerable to this type of flooding because it



relies heavily on the downstream capacity of the Medway and the Teise to allow its ditch network to function. The EA have to include the 1:100 year flood contour on their maps because there is always the possibility that the Barrier might fail. It has been close to being over topped in the past and if weather conditions had been just marginally different in 2000, Tonbridge would have been flooded. By all accounts it was a close call. In 2000 and several times since I can recall the Tudeley Brook and the Medway being out of banks. The FRA assumes all the bridges and culverts in the Hop Farm area along the Medway are flowing at full capacity. A fallen tree or major blockage could easily occur leading to a large restriction of flow adding to raised water levels. This is why a margin for error has to be added to any predicted/calculated flood depth. The climate change factor of 20% in theory could allow for this margin for error.

**(C) TM/09/02211/FL & (D) TM/09/02212/LB:**

5.13 PC: No objection.

5.14 Private Reps (3/0S/0X/0R) + Listed Building press/site notices: No response.

5.15 EH: Objection: Although we do not object to the principle of rationalising the existing forms of enclosure under the green stage of Bell 3, this new work needs to be detailed in an appropriate way to reflect the agricultural details that contribute so significantly to the aesthetic value of these listed buildings. The design is overcomplicated- a simpler solution would be to construct these walls on a single plane set behind the greenstage's posts. Vertically boarded doors would be more appropriate than glass but it may be possible to introduce inner sets of glazed doors which can effectively become the entrances by fixing the solid doors open like external shutters when the building is in use.

**6. Relevant Policies & Determining Issues:**

6.1 The application sites are in the MGB and PPG2 lists the type of buildings that are appropriate in the Green Belt and states that engineering works are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt, one of which is to assist in safeguarding the countryside from encroachment.

6.2 The sites are outside any settlement and are thus in the countryside. PPS7 (Sustainable Development In Rural Areas) requires LPAs to safeguard the countryside for its own sake.

6.3 The objectives of PPG2 and PPS7 are carried through in policies CP3 and CP14 of the TMBCS.

6.4 The site contains a unique set of Grade II\* listed oast houses in a highly visible setting when approached from the north and south on the A228 and also visible from a number of public rights of way.

- 6.5 PPS5 requires LPAs to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal including by development affecting the setting of a heritage asset. The more significant the designated heritage asset, the greater the presumption in favour of its conservation should be. Significance can be harmed or lost through or development within its setting. Substantial harm to designated heritage assets of the highest significance, including grade II\* listed buildings should be wholly exceptional. Local planning authorities should refuse consent unless it can be demonstrated that the substantial harm to or loss of significance is necessary in order to deliver substantial public benefits that outweigh that harm or loss. When considering applications for development that harms the setting of a heritage asset, LPAs should weigh any such harm against any wider benefits of the application. The greater the negative impact on the significance of the heritage asset, the greater the benefits that will be needed to justify approval.
- 6.6 Policy SQ1 of the MDEDPD requires development to protect, conserve and where possible enhance an area's character and local distinctiveness including its historical and architectural interest.
- 6.7 PPS25 relates to development in areas of Flood Risk. Zone 3 is the area of highest risk and is either land with a probability >1% annual flood risk or is the functional floodplain of a river (ignoring river defences). PPS25 lists an extremely limited number of compatible development types that are acceptable in this zone. PPS25 aims to steer new development to areas at the lowest probability of flooding and helps LPAs to ensure that flood vulnerability of the intended use is matched to the flood risk of the site.
- 6.8 PPS25 include surface water drainage as a material planning consideration. The sustainable management of surface water is an essential element of reducing future flood risk to both the site and its surroundings.
- 6.9 Policy CP10 of the TMBCS requires development to be directed to areas of least risk for flooding, to include safe means of escape above flood waters during a flood event and be designed to mitigate the effects of flooding elsewhere in the floodplain.
- 6.10 Current national Government advice in "Good Practice Guide on Planning for Tourism" states that the planning system, by taking a pro-active role in facilitating and promoting the implementation of good quality development, is crucial to ensuring that the tourism industry can develop and thrive, thereby maximising valuable economic, social and environmental benefits. The planning system should aim to ensure that these benefits are achieved in the most sustainable manner possible. Wherever possible, tourist and visitor facilities should be housed in existing or replacement buildings, particularly where they are located outside existing settlements; in statutorily designated areas, they should seek to conserve and enhance the qualities and features that justified the designation; large-scale

tourist proposals must be assessed against the whole range of sustainable development considerations such as how they assist rural regeneration and the well being of communities.

- 6.11 PPS4 (Planning for Sustainable Economic Growth) states that LPAs should support the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres, carefully weighing the objective of providing adequate facilities or enhancing visitors' enjoyment or improving the financial viability of the facility with the need to protect landscapes and environmentally sensitive sites, and wherever possible, locate tourist and visitor facilities in existing or replacement buildings, particularly where they are located outside existing settlements. Facilities requiring new buildings in the countryside should, where possible, be provided in, or close to, service centres or villages but may be justified in other locations where the required facilities are required in conjunction with a particular countryside attraction and there are no suitable existing buildings or developed sites available for re-use
- 6.12 Saved Policy P6/25 of the TMBLP presumes in favour of tourist related development that accords with countryside and Green Belt protection policies, accords with an approved Planning Brief and Master Plan which safeguards the setting of the listed buildings. The Master Plan was first approved in 1997 and revised in 2003 in conjunction with the 64 holiday lodges planning permission. Members may recall that an *informal* presentation by the owner and agent on the draft revised Masterplan took place on 10 November 2009. The owner has now submitted that draft revised Master Plan in conjunction with a current planning application for a new hotel/restaurant, 16 holiday lodges and a conference centre ( in lieu of the 64 holiday lodges application allowed by the Secretary of State following a call-in Public Inquiry).
- 6.13 Policy DC5 of the MDEDPD favours appropriately located rural tourism and leisure subject to compliance with PPG2 and not detracting from the character of the area.

**(A) TM/08/02257/FL:**

- 6.14 The site is in the MGB and the construction of the driving school is inappropriate development, comprising a building that does not meet any of the defined list of appropriate buildings in PPG2 and by reason of the engineering works, harms the openness of the MGB and encroaches into the countryside. Although the site is designated under policy P6/25 and so tourist development is acceptable in principle, that is only when the specific form of development is in accordance with an approved Planning Brief and Master Plan. The approved Master Plan does not include or envisage the type of permanent children's attractions and rides that have occurred, including the construction of this miniature driving school.

- 6.15 The location of the driving school so close to the listed oasthouses detracts markedly from the historic and architectural interest of this unique group of buildings and interrupts the expected open functional agricultural link that existed prior to the development, having been constructed on previously grassed paddocks.
- 6.16 The EA is not concerned with flood risk on this scale and type of development but the IDB is extremely concerned that this development has introduced a large area of hardstanding that is not satisfactorily drained in terms of surface water in its view.
- 6.17 Whilst the driving school is a child based visitor attraction that the current owners have brought in as part of a children's entertainment area integral to their current business strategy, it is development that in terms of appearance and siting has not been endorsed by the Council as an appropriate form of development in either a Planning Brief or a Master Plan. It represents *ad hoc* and piecemeal development that has failed to take account of the significant planning constraints of a site in the rural Green Belt and within a complex of 5 Grade II\* listed buildings and it is considered that it significantly harms all elements of the area's special character.
- 6.18 For all these reasons I do not believe it would be appropriate to grant planning permission and enforcement action will need to be taken to secure its removal, in my opinion.

**(B) TM/09/00840/FL:**

- 6.19 Similarly, the marquee is an inappropriate building which does not fall within any of the categories in the list of appropriate buildings in PPG2 and moreover, harms the openness of the wider MGB and is an encroachment into the countryside. Although the Hop Farm site is designated under policy P6/25 and so tourist development adjoining the policy area is acceptable *in principle*, that is only when the specific form of development is in accordance with an approved Master Plan. The approved Master Plan does not include any marquee type structures.
- 6.20 The location of the marquee together with its considerable footprint, bulk and bright colouring and visually intrusive materials so close to the listed oasthouses, and in particular Bell 5, detracts from the historic and architectural interest of the setting of this important heritage asset.
- 6.21 The EA is not concerned with flood risk for this type of development due to the temporary nature of the works but the IDB is extremely concerned that this development has covered a large area of ground that is not satisfactorily drained in terms of surface water in its view.
- 6.22 It appears that the marquee is a structure intended for conferences, functions and as a wet weather venue for normally open air events, integral to the owner's current business strategy. However, it is development that in terms of scale, size,

design, appearance and siting has not been endorsed by the Council as an appropriate form of development in a Planning Brief or Master Plan. It represents *ad hoc* and piecemeal development that has failed to take account of the significant planning constraints of a site in the rural Green Belt, next to Bell 5 which is a key part of a complex of 5 Grade II\* listed buildings and it is considered that the marquee significantly harms all elements of the area's special character.

- 6.23 Members may be aware that there was flooding of the site during prolonged wet weather in 2009. Whilst not a planning matter, Members may also be aware that in December 2009, the building had to be closed for 3 days, during the Santa's Magical Kingdom event, due to the snow fall on the roof and high winds causing its partial collapse. This was investigated through separate powers.
- 6.24 Members will note that the agent submits that the marquee is proposed as a 5 year temporary structure, whilst permanent facilities are being progressed through a current (as yet undetermined) planning application for a 60 bed hotel and 16 lodges and conference centre (TM/10/00759/FL). However, that application does not expressly indicate that the blue marquee is to be removed. Moreover and interestingly, that application includes an assessment of the role of the marquee by Humberts Leisure, which calls into question its supposed economic benefits. Humberts states that it understands that the blue marquee is a net drain on resources, is too large for the intended uses, unsuitable for functions and corporate events, is visually unappealing and does not fit well with other facilities at the Hop Farm. It should be noted that the principle of the longer term conference centre/function room has yet to be formally and finally assessed (as embodied in the application TM/10/00759/FL).
- 6.25 Bearing in mind the very limited benefits for tourist use at the Hop Farm, the retention of the marquee is considered to be unacceptable bearing in mind its inappropriateness in terms of PPG2 and the harmful impact on the Green Belt and countryside, the particular detriment to the setting of the nearest oasthouse ( Bell 5) and the concerns regarding the likely inadequacy of the surface water drainage. Enforcement action will need to be taken to secure its removal in my opinion.

**(C) TM/09/02211/FL & (D) TM/09/02212/LB:**

- 6.26 The application site of Bell 3 is within the defined development area identified in policy P6/25 so the works proposed are acceptable in principle in terms of the policy objectives. Whilst not according exactly with a specific proposal in an approved Master Plan, the principle of re-use of the Bells for tourist/leisure use is an established principle.
- 6.27 There are no flooding issues arising from the works to the Bell's greenstage and the work would not be harmful in Green Belt or countryside terms as there is no increase in footprint.

- 6.28 The remaining issue is the impact on the historic and architectural interest of the building. The current treatment of the greenstage has occurred without planning permission or listed building consent and is not acceptable. In terms of the proposed modifications in these applications, English Heritage has made suggestions to further modify the scheme to make it more sensitive to the host building, measures which I support. These suggestions were put to the applicant's agent in November 2009 but at the time of writing this report, no revised plans have been submitted.
- 6.29 In the absence of an acceptable scheme to regularise the unauthorised alterations to this Grade II\* building, it is considered that the works should be refused both listed building consent and planning permission and enforcement action taken against the unauthorised works that have taken place to date. It is the case that alterations to enclose the area under the greenstage of Bell 4 were granted retrospective consent and planning permission. However, that work comprised only timber boarded recessed walls to create display areas and the 2 entrances were both large side hung timber boarded doors as would be typically be found on an oasthouse. In contrast, the works to Bell 3 as proposed would introduce 5 sets of narrow glazed doors which are features that would not have adequate sensitivity to the previous agricultural use of the building. Hence it is my view that there is a clear difference between the scheme proposed for Bell 3 compared to that approved for Bell 4, the former being unacceptable.

**7. Recommendation:**

**(A) TM/08/02257/FL:**

**7.1 Refuse Planning Permission** for the following reasons:

- 1 The driving school is inappropriate development in the Green Belt, harms the openness of the Green Belt and encroaches in the countryside. No "very special circumstances" or other material considerations have been submitted that are considered to outweigh the harm. The development is therefore contrary to PPG2 (Green Belts), PPS7 (Sustainable Development In Rural Areas) and Policies CP3 and CP14 of the Tonbridge and Malling Borough Core Strategy 2007.
- 2 The driving school by reason of its siting, size and appearance is detrimental to the setting of a unique complex of Grade II\* listed buildings which is a significant heritage asset. The development is therefore contrary to PPS5 (Planning for the Historic Environment) and policy SQ1 of the Tonbridge and Malling Borough Managing Development and The Environment DPD.
- 3 The driving school has introduced significant hard surfacing into the flood plain and the applicant has not satisfactorily demonstrated that it will not increase flood risk elsewhere. The development is contrary to PPS25 (Development and Flood Risk) and Policy CP10 of the Tonbridge and Malling Borough Core Strategy 2007.

7.2 An Enforcement Notice **BE ISSUED** as set out below and copies **BE SERVED** on all interested parties.

The Notice to take effect not less than 28 days from the date of service, subject to:

- The concurrence of the Chief Solicitor, he being authorised to amend the wording of the Enforcement Notice as may be necessary.
- In the event of an appeal against the Notice the Secretary of State and the appellant to be advised that the Local Planning Authority is not prepared to grant planning permission for the development the subject of the Enforcement Notice.

### **Breach Of Planning Control Alleged**

Without planning permission the creation of a miniature driving school including construction of a hard surface track with raised kerb stones, street furniture and timber post fencing and associated one storey pitched roof building with ornamental petrol pumps, without the benefit of planning permission.

### **Reasons For Issuing The Notice**

The above breach of planning control has occurred in the last 4 years. The driving school is inappropriate development in the Green Belt, harms the openness of the Green Belt and encroaches in the countryside. No “very special circumstances” or other material considerations are considered to outweigh the harm. The driving school by reason of its siting, size and appearance is detrimental to the setting of a unique complex of Grade II\* listed buildings which is a significant heritage asset. The driving school has introduced significant hard surfacing into the flood plain and the applicant has not satisfactorily demonstrated that it will not increase flood risk elsewhere. The development is therefore contrary to PPG2 (Green Belts), PPS7 (Sustainable Development In Rural Areas), PPS5 (Planning for the Historic Environment), PPS25 (Development and Flood Risk), Policies CP3, CP10 and CP14 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Tonbridge and Malling Borough Managing Development and The Environment DPD.

### **Requirement**

The building and engineering work shown hatched on plan TMBC1 shall be demolished and all arisings shall be removed from the site.

### **Period for Compliance**

Three calendar months from the date the notice takes effect.

**(B) TM/09/00840/FL:**

**7.3 Refuse Planning Permission** for the following reasons:

- 1 The marquee is inappropriate development in the Green Belt, harms the openness of the Green Belt and encroaches in the countryside. No “very special circumstances” or other material considerations have been submitted that are considered to outweigh the harm. The development is therefore contrary to PPG2 (Green Belts), PPS7 (Sustainable Development In Rural Areas) and Policies CP3 and CP14 of the Tonbridge and Malling Borough Core Strategy 2007.
- 2 The marquee by reason of its siting, size, materials and appearance is detrimental to the setting of a unique complex of Grade II\* listed buildings which is a significant heritage asset. The development is therefore contrary to PPS5 (Planning for the Historic Environment) and policy SQ1 of the Tonbridge and Malling Borough Managing Development and The Environment DPD.
- 3 The marquee has introduced significant hard surfacing into the flood plain and the applicant has not satisfactorily demonstrated that it will not increase flood risk elsewhere. The development is therefore contrary to PPS25 (Development and Flood Risk) and Policy CP10 of the Tonbridge and Malling Borough Core Strategy 2007.

**7.4 An Enforcement Notice BE ISSUED** as set out below and copies **BE SERVED** on all interested parties.

The Notice to take effect not less than 28 days from the date of service, subject to:

- The concurrence of the Chief Solicitor, he being authorised to amend the wording of the Enforcement Notice as may be necessary.
- In the event of an appeal against the Notice the Secretary of State and the appellant to be advised that the Local Planning Authority is not prepared to grant planning permission for the development the subject of the Enforcement Notice.

**Breach Of Planning Control Alleged**

Without planning permission the erection of a marquee structure with hard surface base.

**Reasons For Issuing The Notice**

The marquee is inappropriate development in the Green Belt, harms the openness of the Green Belt and encroaches in the countryside. No “very special circumstances” or other material considerations are considered to outweigh the



harm. The marquee by reason of its siting, size, materials and appearance is detrimental to the setting of a unique complex of Grade II\* listed buildings which is a significant heritage asset. The marquee has introduced significant hard surfacing into the flood plain and the applicant has not satisfactorily demonstrated that it will not increase flood risk elsewhere. The development is therefore contrary to PPG2 (Green Belts), PPS5 (Planning for the Historic Environment), PPS7 (Sustainable Development In Rural Areas), PPS25 (Development and Flood Risk), Policies CP3, CP10 and CP14 of the Tonbridge and Malling Borough Core Strategy 2007 and Policy SQ1 of the Tonbridge and Malling Borough Managing Development and The Environment DPD.

### **Requirement**

The building and engineering work shown hatched on plan TMBC2 shall be removed and all arisings shall be removed from the site.

### **Period For Compliance**

Three calendar months from the date the notice takes effect.

### **(C) TM/09/02212/FL:**

7.5 **Refuse Planning Permission** for the following reasons:

- 1 The works result in a detrimental impact on the architectural and historic interest of a Grade II\* listed building by virtue of the design and form of the proposed alterations harming the agricultural form of the greenstage. The works are therefore contrary to PPS5 (Planning and the Historic Environment).

7.6 An Enforcement Notice **be issued** as set out below and copies **be served** on all interested parties.

The Notice to take effect not less than 28 days from the date of service, subject to:

- The concurrence of the Chief Solicitor, he being authorised to amend the wording of the Enforcement Notice as may be necessary.
- In the event of an appeal against the Notice the Secretary of State and the appellant to be advised that the Local Planning Authority is not prepared to grant planning permission for the development the subject of the Enforcement Notice.

### **Breach Of Planning Control Alleged**

Without planning permission carry out alterations to the building to form an enclosed area below the existing greenstage of Bell 3.

### **Reasons For Issuing The Notice**

The works result in a detrimental impact on the architectural and historic interest of a Grade II\* listed building by virtue of the design and form of the alterations harming the agricultural form of the greenstage. The works are therefore contrary to PPS5 (Planning and the Historic Environment).

### **Requirement**

The alterations to the greenstage shown hatched on plan TMBC3 shall be removed and all arisings shall be removed from the site.

### **Period For Compliance**

Three calendar months from the date the notice takes effect.

### **(D) TM/09/02212/LB:**

7.7 **Refuse Listed Building Consent** for the following reason:

- 1 The works result in a detrimental impact on the architectural and historic interest of a Grade II\* listed building by virtue of the design and form of the proposed alterations harming the agricultural form of the greenstage. The works are therefore contrary to PPS5 (Planning and the Historic Environment).

7.8 A Listed Building Enforcement Notice **be issued** as set out below and copies **be served** on all interested parties.

The Notice to take effect not less than 28 days from the date of service, subject to:

- The concurrence of the Chief Solicitor, he being authorised to amend the wording of the Enforcement Notice as may be necessary.
- In the event of an appeal against the Notice the Secretary of State and the appellant to be advised that the Local Planning Authority is not prepared to grant planning permission for the development the subject of the Enforcement Notice.

### **Breach Of Planning Control Alleged**

Without Listed Building Consent carry out alterations to the building to form an enclosed area below the existing greenstage of Bell 3.

### **Reasons For Issuing The Notice**

The works result in a detrimental impact on the architectural and historic interest of a Grade II\* listed building by virtue of the design and form of the alterations harming the agricultural form of the greenstage. The works are therefore contrary to PPS5 (Planning and the Historic Environment).

### **Requirement**

The alterations to the greenstage shown hatched on TMBC4 shall be removed and all arisings shall be removed from the site.

### **Period For Compliance**

Three calendar months from the date the notice takes effect.

Contact: Marion Geary