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**Addington Downs**                      **566255 158588**    **27 August 2009**                      **TM/09/02049/FL**

Proposal:                      Change of use of land to residential curtilage and the creation of a turning circle with a central planted island (retrospective application)

Location:                      Ivanhoe London Road Addington West Malling Kent ME19 5AL

Applicant:                      Mr Chris Richardson

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**1. Description:**

- 1.1 The application site is former agricultural land and measures approximately 30 metres x 24 metres (narrowing to 20 metres). Within this area, an access track laid with road scalplings exists that provides access to the new chalet bungalow and garage at Mayhill Farm, which is located to the south west of the application site. The access track leading to Mayhill Farm is lawful being part of the scheme that was granted planning permission under reference TM/07/04297/FL.
- 1.2 Adjoining the access track to the east, a turning circle has been created that measures 20 metres in diameter. A planted island is located within the centre of the turning circle and the turning area itself has been laid with road scalplings. It is proposed to finish the turning area with tarmac. Between the turning circle and the western boundary of the residential property Ivanhoe, the site is laid to lawn.
- 1.3 The turning circle was created when the dwelling house at Mayhill Farm was under construction in 2009 to stop mud and debris being dragged on to the public highway by construction and other vehicles.
- 1.4 The purpose of the application is to continue to allow the applicant (who owns the adjoining dwelling 'Ivanhoe') to park vehicles within the turning area which enables him to access and leave the London Road A20 in a forward direction. The layout of the existing driveway within the current curtilage of Ivanhoe does not enable cars to be turned around within this property.
- 1.5 The application therefore seeks permission to retain the use of land as residential curtilage.

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

- 2.1 The application is retrospective and it is recommended to refuse permission which will require enforcement proceedings to be considered.

**3. The Site:**

- 3.1 The site is located outside the settlement confines of Addington, within the Metropolitan Green Belt and open countryside. The lawful residential curtilage of Ivanhoe adjoins the site to the east. To the south of the site, the land is laid to grass. London Road (A20) adjoins the site to the north.

**4. Planning History (most relevant):**

TM/07/04297/FL      Approved      3 April 2008

Replacement of mobile home with permanent dwelling

MK/4/63/339      Refused      9 September 1963

Two bungalows with garage spaces

**5. Consultees:**

- 5.1 PC: The PC would like clarification as to which property this land relates.
- 5.2 Private Reps: (Including press and site notices): 7/0X/0S/0R: No comments have been received concerning this application.
- 5.3 KCC (Highways): No objections.

**6. Determining Issues:**

- 6.1 Current Government guidance contained within PPG 2 (Green Belts) states at paragraph 3.12 that making a material change in the use of land or carrying out engineering or other operations are inappropriate development unless they would maintain openness and do not conflict with the purposes of including land within the Green Belt. The five purposes of including land within the Green Belt are listed under paragraph 1.5 of PPG 2; one of which is; *“to assist in safeguarding land from encroachment.”*
- 6.2 Policy CP3 of the Tonbridge and Malling Borough Core Strategy 2007 requires proposals to comply with national Green Belt policy.
- 6.3 The turning circle was originally created to prevent mud and debris being dragged out on to the public highway from vehicles involved in constructing the dwelling at Mayhill Farm to the south west of the application site. As a temporary operation in connection with the construction of the dwelling, this would have been acceptable in terms of the openness of the Green Belt, in my opinion, as the land would have been restored to its former condition (grass land) once that had been completed. However, as a permanent feature, due to the size of the area involved and the proposed permanent surface finish, the turning circle represents a significant

encroachment into the Green Belt which erodes its openness in my opinion. Furthermore, the expansion of the residential curtilage of Ivanhoe into this site would encroach into the countryside such that it would erode its character by the introduction of additional domestic activity, paraphernalia and landscaping.

- 6.4 Prior to the turning circle being created, the lawful extent of Ivanhoe was physically and visually separated from the adjacent property (The Jungle Café) by the piece of open countryside that sits between them. The creation of the parking area and the sideways expansion of Ivanhoe's residential curtilage serves only to close the former rural gap between these properties, which, of course, erodes the openness of the Green Belt.
- 6.5 In light of the above, the development the subject of this application is inappropriate development by reason of its erosion of openness of the Green Belt and also because it is contrary to one of the purposes of including land within it.
- 6.6 The turning area and application site as a whole are not readily visible from the London Road due to the close boarded fencing that has been erected along the north boundary of the site. However, that does not diminish the impact of the development upon the Green Belt. Indeed PPG 2 clearly states at paragraph 3.2 that inappropriate development is, by definition, harmful to the Green Belt and it is for the applicant to show why permission should be granted.
- 6.7 The applicant has stated that the turning circle is now used by the occupants of Ivanhoe for car parking as they can enter and leave the London Road (A20) in forward direction. The applicant states that the existing driveway located within Ivanhoe does not allow vehicles to turn around with that site and, as such, the occupiers of the site have to reverse out onto the London Road. However, no information has been submitted with this application referring to the number or nature of accidents that have occurred as a result of cars manoeuvring into or out of the driveway located within the curtilage of this residential property. The KCC crash database has been interrogated for accidents that have occurred within the last 3 years in this locality. There have been 2 accidents at the junction with Church Road, the London Road and Trottscliffe Road, which is located approx. 150 metres to the west of the application site. There have also been 2 reported incidents, 1 within 50 metres on either side of 'Ivanhoe'. In all cases injuries were slight.
- 6.8 Whilst there is variation in land levels within the front garden of Ivanhoe, there is scope to introduce a turning area within the lawful garden that would enable vehicles to enter and leave this site in a forward direction using the existing, long-established access.
- 6.9 I therefore consider that, whilst it would be convenient for the applicant to use the turning circle for access and car parking in association with his residential property, this does not represent a case of very special circumstances sufficient to outweigh the harm by inappropriateness and harm to the openness and amenities

of the Metropolitan Green Belt. The development is, therefore, contrary to PPG 2 and Core Policy CP 3.

- 6.10 Policy CP 14 of the Tonbridge and Malling Borough Core Strategy 2007 restricts development within the countryside to that which falls within one of the nine categories of development listed under this policy. The development does not fall within any of these categories of acceptable development. The development is not considered to be “essential” for the same reasons as referred to earlier in my report.
- 6.11 In light of the above, the principle of the development is considered to be unacceptable and a departure from the Development Plan.
- 6.12 Policy CP 24 of the Tonbridge and Malling Borough Core Strategy requires all developments to be well designed and of a high quality in terms of detailing and use of materials. Furthermore developments must through scale, layout, siting character and appearance be designed to respect the site and its surroundings.
- 6.13 In this case the turning circle is not visually prominent when viewed from the London Road due to the presence of the fence along the north boundary of the site. However, due to the scale & domestic use of the turning circle and the proposed use of tarmac as a surface material, it does not respect the character or appearance of the wider rural locality. Furthermore, if permitted to be used as an extension to the residential curtilage of Ivanhoe, the character of this part of the countryside would be altered by the expansion of domestic activity and the introduction of domestic paraphernalia such as tables, chairs, children’s play equipment or washing lines that could be located within the site without necessarily requiring planning permission. This would be detrimental to the rural character of the locality in my opinion. The development is, therefore, considered to be contrary to policy CP 24 of the Tonbridge and Malling Borough Core Strategy 2007.
- 6.14 In light of the above, I recommend that permission be refused.

## **7. Recommendation:**

**7.1 Refuse Planning Permission** subject to the following:

### **Reasons**

1. The site lies within the Metropolitan Green Belt where there is a strong presumption against permitting inappropriate development, as defined in PPG2: Green Belts and policy CP 3 of the Tonbridge and Malling Borough Core Strategy 2007. The development constitutes inappropriate development because, by virtue of the domestic use and the size of the area of hard standing, it does not maintain the openness of the Green Belt and conflicts with the purposes of including land within the Green Belt. It is therefore contrary to PPG 2 and policy CP 3 of the Tonbridge and Malling Borough Core Strategy 2007.

2. The development does not fall within any of the categories of development specified within policy CP 14 of the Tonbridge and Malling Borough Core Strategy 2007 and is unacceptable for this rural locality due to the domestic use and size of the area of hard standing.
  3. The development, by virtue of its scale, siting and appearance, does not respect the site or the wider rural locality and is therefore contrary to policy CP 24 of the Tonbridge and Malling Borough Core Strategy 2007.
- 7.2 Enforcement Notices **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 Legal Services Partnership Manager, he being authorised to amend the wording of the Enforcement Notices as may be necessary.
- In the event of an appeal against the Notices 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 Notices.

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

(A) Without planning permission the change in use of agricultural land to residential curtilage, and;

(B) Without planning permission, the creation of a new hardstanding.

### **Reasons For Issuing The Notices**

It would appear that the above breach of planning control in respect of (A) has occurred within the last ten years and in the case of (B) within the last 4 years. The site lies within the Metropolitan Green Belt where there is a strong presumption against permitting inappropriate development, as defined in PPG2: Green Belts and policy CP 3 of the Tonbridge and Malling Borough Core Strategy 2007. The development constitutes inappropriate development because, by virtue of the domestic use and the size of the area of hard standing, it does not maintain the openness of the Green Belt and conflicts with the purposes of including land within the Green Belt. It is, therefore, contrary to PPG 2 and policy CP 3 of the Tonbridge and Malling Borough Core Strategy 2007. The development does not fall within any of the categories of development specified within policy CP 14 of the Tonbridge and Malling Borough Core Strategy 2007 and is unacceptable for this rural locality due to the domestic use and size of the area of hard standing. The development, by virtue of its scale, siting and appearance, does not respect the site or the wider rural locality and is, therefore, contrary to policy CP 24 of the Tonbridge and Malling Borough Core Strategy 2007.

**Requirement**

To cease the use of the agricultural land as residential curtilage and to remove the hard surface turning circle and planted island area and all arisings.

**Period For Compliance**

Three calendar months from the date the Notices take effect.

Contact: Matthew Broome