Report of 23 June 2010

Platt Borough Green And Long Mill	**561760 156960**	**18 February 2010**	**TM/09/03177/FL**

Proposal:	Conversion of existing commercial livery stable block and associated outbuildings into 2 no. live/work residential units (dwellinghouses) with associated parking and landscaping works and removal of condition 1 of planning permission TM/09/00313/FL (use of stable building only for purposes incidental to the residential occupation of Stone House Farm)
Location:	Stone House Farm Stables Long Mill Lane Platt Sevenoaks Kent TN15 8LH
Applicant:	Mr M Cheale

1. Description:

1.1 The application is for the conversion of a large stable building into two dwellings and the use of two stone outbuildings as an office/study for each unit. The units could therefore be used as a "home office" and are described as live/work units. The plot would also be subdivided into two and the current sand school grassed to form garden areas for each unit. A new stone wall would link the three buildings and delineate a private amenity area for the units and a patio area to the rear of both home office units.

1.2 The two new residential units would comprise two bedroom accommodation arranged over two floors with the upper floor constructed as a mezzanine. However the arrangement of the units could provide up to four bedrooms, 2 at ground floor and 2 at first floor.

1.3 The elevational changes to all three buildings are limited. In terms of the stable building, 4 new rooflights are proposed on the rear roof slope, 6 on the front roof slope and 4 new small windows are proposed on the rear elevation. To the front elevation the floor area has been extended to infill the covered area at the front of the building. The new wall would have a small set back below the roof and has been designed to replicate the appearance of the existing stables, with stable doors and small windows along the length of the elevation. An ironstone infill panel is also proposed at the centre of the elevation to match the existing building and two new windows are proposed to be inserted in the existing stone sections at either end of the front elevation.

1.4 In terms of the two "office" buildings, the exterior to one building will not be altered and the second (more derelict) building would have a roof and a window and door added to the front elevation. This building would also be laid out internally with a toilet and kitchenette.

1.5 The current site entrance would be used to serve the new properties and a drive way and turning area will be provided along the length of the site. Two car parking spaces would be provided for each unit. This would have a rolled gravel finish. It is proposed to provide some landscaping around the site but no details have been submitted.

1.6 A desk top contamination report, bat survey and structural details of the stable building have been submitted with the application. These outline that there is no risk of ground contamination, no evidence of bats using the stable building and the stable building is structurally sound and capable of conversion.

1.7 During the course of the determination of the application, the site plan has been amended to include the access road and the existing Stone House Farm dwelling within the red line area. The description of the application has also been amended to include the removal of condition 1 of planning permission TM/09/00313/FL. This is due to condition 1 of that permission requiring the existing dwelling (Stone House Farm) to only be occupied in association with the stables (the building now proposed for conversion) and the stables to be used for the private stabling of horses in association with that dwelling only.

2. Reason for reporting to Committee:

2.1 The application has been called in by Cllr Evans as the application would use an access across public recreational land and the parking would also use public land. There have also been a lot of objections to the development.

3. The Site:

3.1 The application site is a former livery and is situated within the Metropolitan Green Belt and outside the settlement boundary; it is therefore within open countryside. The site is however situated at the edge of the village settlement boundary with Platt to the east/north east and Borough Green to the north/north west. Immediately adjoining the site is the already converted dwelling of Stone House Farm. To the rear/north west of the site is a band of private woodland. Surrounding the site in all other directions are the playing fields and public amenity space comprising Stone House Fields. This is owned and maintained by Platt Parish Council. The pavilion serving the recreation ground is sited to the south east and adjoining this in close proximity is a large storage building and a children's playground. Also adjoining the site to the north is a large brick built Scout Hut building.

3.2 The site is accessed via the recreation ground's private access road with its entrance on Long Mill Lane (to the north). The access road is a narrow single track road which is tarmaced and has a number of speed humps. It winds around the different recreation fields and paddocks and has a few passing places along its length. It ends at the front (south east) of the application site close to the pavilion and next to the storage building. A car park (unmade) serving the recreation

ground extends along the south eastern boundary of the application site and adjoins the storage building. The vehicular entrance to the application site is via this car park and comprises entrance gates.

3.3 The site (which has a slight fall in land levels from north west to south east) currently comprises four buildings arranged around a sand school. The principal building forming the stable block along the rear of the site comprises nine stables and two storage rooms at either end. The front elevation of the stables is recessed under the roof. It is an ironstone building with a clay tiled roof and a hayloft at first floor level. Another single storey timber stable building is sited to the east of this building; this building is proposed to be removed. To the east/south east of the two buildings are two single storey ironstone buildings which are currently used for storage. These buildings have small turrets along the top of each elevation and are unique in their design and appearance. The most northerly of these buildings, adjacent to the timber stables, is in a poor state of repair with only a temporary roof covering. The site has limited landscaping and is surrounded by a boundary fence which varies in height and is fairly low level. The site therefore has a fairly open character and is visible from the adjoining public recreation land.

4. Planning History:

TM/78/10890/FUL Grant with conditions 1 June 1978

Change of use of agricultural land to recreational area incorporating a car park.

TM/81/11073/OUT Refuse 15 September 1981

Outline application for change of use of former farm buildings to dwelling and erection of extensions.

TM/82/10180/FUL Grant with conditions 29 July 1982

Change of use of land to open recreational use.

TM/84/10979/FUL Grant with conditions 21 September 1984

Change of use to stabling and care of horses.

TM/91/10796/FUL Grant with conditions 2 October 1991

Continued use of site and stables with the variation of condition (ii) of permission TM/83/0938 to allow the increase from 11 no. to 14 no. horses and the erection of 2 no. additional stable units.

TM/92/00542/FL Grant with conditions 18 December 1992

Replacement of stabling and storage facilities within barn by the removal of the roof over two bays and the erection of two stable units and one integral store in lieu all within.

TM/96/00758/FL Grant with conditions 2 August 1996

Erection of protective screen on a temporary basis (duration of football session).

TM/99/01798/FL Grant With Conditions 8 November 1999

installation of septic tank in connection with use of stables for sanitary purposes

TM/00/00904/FL Grant with conditions 9 February 2001

Renewal of temporary permission for mobile home

TM/00/02602/FL Grant with conditions 8 February 2001

Change of use from agricultural/stable building to one dwelling.

TM/01/00904/FL Grant With conditions 21 June 2001

Change of use of paddock to dressage school

TM/01/02847/FL Grant with conditions 31 December 2001

Change of use of agricultural/stable building to one dwelling (revised application to that approved under ref: TM/00/02602/FL)

TM/02/02358/FL Refuse 31 December 2004

Change of use of tack room to living accommodation

TM/09/00313/FL Approved 9 April 2009

Removal of condition 5 of planning permission TM/01/02847/FL (Change of use of agricultural/stable buildings to one dwelling (revised application to that approved under ref: TM/00/02602/FL)) to allow unrestricted occupancy of the dwellinghouse.

5. Consultees:

5.1 PC: Comments on Planning Application:

- Submitted photograph must be years out of date and shows it virtually derelict. It does not show scout hut, football field, barn, converted house and upgraded stables. This could lead to confusion as to why conversion is preferable. I will send photos separately to show as it is now.

- The applicant offers no proof that the livery is "unviable" and additional land was available for grazing on the site until recently.

- The scout hut is mentioned in the Planning statement, but no reference is made to the dog walking area, football pitches, cricket pitches and children's play area. These are continuous in use as well as additional community events held on these areas.

- Access and parking are a constant problem during events, matches, scout meetings etc and to refer to "site turning and parking facilities" could mislead the planning authority.

- The block plan submitted shows two entrances to the stables. There is only one legal entrance to the north of the site.

5.1.1 Objections:

- Inappropriate development within the green belt.

- A loss of a local amenity. There is a lack of stabling in the area. Having lost a post office and a pub, to lose this would further erode our rural tag. People were originally interested in buying this as a going concern. We feel that the applicant has not demonstrated his willingness to achieve this.

- Inadequate parking. The applicant already has a dwelling on the site and parking for this is not shown. Four spaces are indicated for 2 no. two bed units. No visitor or additional parking indicated. As noted previously, parking and turning already presents a problem for these well used areas and we cannot allow any disruption to events taking place.

- Two office/study units are envisaged. Should planning be granted these must be tied to the dwellings and not left as individual units.

- We would request the removal of any future permitted development rights should planning be granted.

- Two dwellings will be affected by this application, namely 2 Wood Cottages and 1 Sobraon at the entrance to the access road and the Parish Council question whether these residents have been notified of this application.

- Granting this application will set a precedent in the area.

5.1.2 General Comments:

- Historical planning: Change of use of original barn to dwelling tied to stables - granted. Unrestricted use of dwelling i.e. **not** tied to stables - granted. Now application to replace stables with dwellings. This could almost have been planned!

- We request that this application goes to Committee and urge a site visit to take place.

- If this development was to be approved Platt Parish Council would like a condition that all construction vehicles must be parked on site as there is no room for parking on the recreation area.

5.1.3 For Information:

- The access road is owned by Platt Parish Council and there is only one legal agreement which is between PPC and the current owner, allowing him to use the access road.

5.1.4 In response to KCC Highways letter we make the following observations:

- We accept that parking and turning will not have any impact on the public highway, our concern is that it will have an impact on our access road and parking area. These are already congested at many times during the week and weekends, both day and night. We would also maintain that more traffic will be generated by residential use than by a livery stable, generating more flow in and out on to Long Mill Lane on a very dangerous bend. We would correct KCC statement re HGVs as it is virtually impossible to turn into our access road from Long Mill Lane with an HGV, as many people who have tired will substantiate. These vehicles do not enter Stonehouse Field.

5.1.5 Further comments on this application:

As you are aware, CP13 allows change of use qualified on three counts:

Reduction in trip generation – We feel that this will increase by the very nature of residential habitation in lieu of a livery usage. Car journeys will be necessary for access, journeys to and from work places, shopping trips, visitors, waste collection, etc.

Significant improvement in appearance, character and function – The applicant states that there will be no alteration in appearance, hence there will be no improvement. If fact, we would see the addition of rooflights to the stables as damaging to the appearance. We would maintain that the change to residential units from a stable will not improve the character or function of the rural aspect of this site. They will look residential. Exceptional need for affordable housing, not applicable to this site. We see no reason to allow consent within this Core Strategy.

Our concern is that this is presently a private stable and not a commercial livery stable. You are obviously aware of this, as you made it a condition on permission TM/09/00313/FL. We fail to see any comparision between a private stable for personal use, comparable to someone's garden, albeit large, and a commercial livery stable with all it entails with traffic, staff, noise etc.

Further to recent activity with the above application, we would request that you consider your decision in the light of the history of this saga.

We maintain that with your granting approval previously for unrestricted change of use for one dwelling (TM/01/02847/FL and TM/09/00313/FL) and now this current application for change of use for a further two dwellings, the site should be considered as a whole, i.e. Stabling will cease and THREE residential units will come into existence if this application succeeds.

We feel this is contrary to the ethos of PPG2 "to retain land in agricultural, forestry and related uses". And App D3 "In addition, the creation of a residential curtilage around a newly converted building can sometimes have a harmful effect on the character of the countryside."

References to PPS1 & 7 by the Applicant are not necessarily binding as they have contrary advice, especially when looked at as a complete small, as it will become, residential development, i.e. PPS7 (iii) Accessibility should be a key consideration in development decisions. Most developments which are likely to generate large numbers of trips should be located in or next to towns or other service centres that are accessible by public transport, walking and cycling, in line with the policies set out in PPG 13."

9. "In planning for housing in their rural areas, local planning authorities should apply the policies in PPG3. They should (ii) strictly control new house building (including single dwellings) in the countryside."

10. "Isolated new houses in the countryside will require special justification for planning permission to be granted."

In considering a change of use we would refer to LDP Policy 6/9 The removal of agricultural or forestry occupancy conditions will only be permitted where conclusive evidence is provided that there is no longer a need for the dwelling to be retained for occupation by someone solely, mainly or last working in agriculture or forestry in the general locality. This should include evidence to show that

determined but unsuccessful attempts have been made for a continuous period of at least 12 months to sell or rent the dwelling at a price which takes account of the occupancy condition. Do you have this evidence?

We would maintain that CP1 is not relevant as it refers to NEW dwellings.

We also maintain that the inclusion of the "Live/Work Units" is an effort to influence you within the confines of PPS7 to allow employment opportunities. This cannot apply due to the small sizes of the existing buildings designated. If it does, then more traffic trips would be created.

We would also record that this site includes additional land, used for dressage and horse related activities. As it is within the same ownership, and if the use of stabling becomes redundant under this application, will this parcel of land be the next for residential usage?

To summarise, we feel all our previous objections are valid for TWO dwellings but if you include the extra one already in place then our objections are even more relevant. To allow this application would remove an existing amenity and replace it with a small housing development within an area of recreational ground enjoyed by many people, not necessarily from Platt, that use it on a regular basis, as well as leaving the door open for more development within the same area.
We feel it is incumbent on Tonbridge & Malling to refuse this.

5.2 DHH:

Contaminated Land:

5.2.1 Submitted contaminated land risk assessment report prepared by Contamination consultants Ltd, dated March 2010 is incomplete. I can see some historic map data and some environmental data. But drawing (No. CSM/1) presented in the report indicates a fuel tank at the site, but environment data presented in appendix B shows no fuel site within 0-250mm. The report is inconsistent. So, conclusion is not acceptable. If the LPA is minded to grant a planning permission, then land contamination condition should be imposed.

5.2.2 On the basis of the additional information available in your e-mail, I can confirm that I concur with the conclusion drawn in the contamination assessment report prepared by CCL (March 2010). However, following conditions are pertinent.

5.2.3 To safeguard the situation in the event that significant deposits of made ground or indicators of potential contamination are discovered during development I recommend that any permission be subject to the following conditions:

(a) If during development work, site significant deposits of made ground or indicators of potential contamination are discovered, the work shall cease immediately, and an investigation/remediation strategy shall agreed with the Local Planning Authority and implemented by the developer.

(b) Any Soils and other materials taken for disposal should be in accordance with the requirements of the Waste Management, Duty of Care Regulations. Any soil brought onsite should be clean and a soil chemical analysis shall be provided to verify imported soils are suitable for the proposed end use.

(c) A closure report shall be submitted by the developer delineating (a) and (b) above and other relevant issues and responses such as any pollution incident during the development.

Waste Management:

5.2.4 General comments regarding waste and the need to impose a relevant informative.

Environmental Protection:

5.2.5 Having visited the application site I do not feel that noise is a particular issue. The design of the scout hut (ie. Only three windows facing away from the proposed development) is such that any noise made by the occupants should not unduly impact on the development. In addition noise from the sports pitches and the coming and going of people/vehicles would be of limited duration.

5.2.6 Having considered the existing premises in respect of the sports facilities and Scout hut which exist around this application site, I do not believe that there would be sufficient grounds to refuse the application in respect of noise from these activities especially that arising in the evenings. There are no floodlights on the sports pitches and any other activities up to the 10 pm terminal hour would take place indoors. The Scout Hut where the most noisy activities would likely occur is a substantial building with no openings facing the application site. In addition we have received no complaints from the residential property which already exists on site. For these reasons I have no objections to this application.

5.3 KCC (Highways): No objections to the proposal. The application site is set back some considerable distance from the public highway and therefore parking and turning should have no adverse impact on the public highway. The proposal will replace livery stables with a mainly residential use. The loss of the usual vehicles associated with a livery stable use, including HGVs, is seen as a benefit to highway safety.

5.4 Private Reps: 2/1S/0X/25R and Site Notice. Objections have been raised on the following grounds:

- Information and photos submitted with the application are misleading.
- The site is within the Metropolitan Green Belt and provides a green gap from development.
- Development in the Metropolitan Green Belt is inappropriate.

- The dwelling was only allowed a few years ago with an agricultural occupancy condition on the basis of providing security for a commercial livery business.
- No attempt has been made to operate as a commercial livery and there is no reason why a commercial livery business cannot be established on the site.
- The applicant has not complied with the agricultural occupancy condition.
- There is a high demand for stabling within the locality and they have always been occupied by horses.
- The site is not suitable for residential use, as it is within a recreational area.
- The original stables were considered a village amenity and should be retained.
- The narrow private access road is not suitable for increased use by residential traffic.
- Access onto Long Mill Lane is very restrictive and only wide enough for one vehicle.
- The proposal will significantly alter the character of the buildings.
- New residential units will set a precedent for further development in the immediate locality.
- There are already limited parking spaces available for users of the recreation ground which will be made worse by the current proposals.
- Occupiers currently use public land in Stone House Fields to park their cars.
- Siting dwellings in a recreational area will lead to complaints over noise and restriction of the adjoining land for recreational uses.
- The development will have a detrimental impact on users of the scout hut who will have their (outside) activities restricted due to complaints about noise.
- There will be further difficulties with access to the existing recreational uses.
- Residential development adjacent to the scout hut will restrict the type of activities that can be offered by the groups that continue late into the evening.
- The main car parking serving Stone House Fields adjoins the application site.
- If these units are approved the public amenity of the recreational land, which is well used, will be affected and the development will impact on a community facility.

- Car parking provision is already inadequate.
- The units would be sited adjacent to a well used Scout Hut that is used most days of the week.
- Play areas within the fields are very well used with children of all ages.
- Stables are an appropriate rural use in this location.
- The proposal for possible work and extra dwellings will create constant traffic on a single track private road, restricting use of the public open space for the community.
- The access road is not designed for increased heavy traffic or commercial use.
- Additional overlooking of the recreational grounds.
- The applicant owns other land that could be developed.
- The privacy, enjoyment and private amenities of the proposed dwellings will be affected by the adjacent recreational uses, particularly at the weekend.
- This development does not seek to protect the countryside.
- Increased air and noise pollution as a result of this development.
- New dwellings would alter the rural aspect and intrude on the attractiveness of this area.
- Additional demands in the area for mains water and drainage.
- Access to the new properties could often be affected.
- Construction vehicles would have difficulty accessing the site and would damage the access road and grass verges.
- There is insufficient parking on site for the proposed live/work units.

6. Determining Issues:

6.1 There are a number of issues to consider in the determination of this application which include the principle of the re-use of these buildings within the Metropolitan Green Belt and whether they are capable of conversion without substantial rebuilding, the impact on the visual amenity of the locality, the amenity of the occupiers of the proposed dwellings in the light of the potential for noise generated by adjoining uses, use of the existing vehicular access to the site and parking considerations. It is also necessary to consider the planning history of this site and the bearing it has on this application.

6.2 The relevant planning policies to consider are CP1, CP3, CP6, CP14 and CP24 of the TMBCS and policies CC1, SQ1 and DC1 of the Managing Development and the Environment DPD (MDE DPD). Policies CP1 and CP24 of the TMBCS and policies CC1 and SQ1 of the MDE DPD all relate to the need for development to be sustainable and appropriately designed for the location. Policy CP3 of the TMBCS relates to the Metropolitan Green Belt and policy CP14 relates to development in the countryside. Policy CP6 of the TMBCS refers to development on the edge of settlements and maintaining the separate identity of settlements and Policy DC1 of the MDE DPD, which is the most relevant in the determination of this application, relates to the re-use of rural buildings and the criteria that have to be considered.

6.3 Relevant national guidance in PPS1, PPG2, and PPS7 must also be considered. These relate to development and design principles, development in the Green Belt and development in the countryside respectively.

6.4 The application site is situated in MGB and open countryside where new development is strictly controlled and inappropriate development needs to be justified by a case of very special circumstances. However the proposed development is for the conversion of existing buildings which is not inappropriate in the Green Belt, provided that 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 within the Green Belt; strict control is exercised over any extensions and over uses on surrounding land; the buildings are of permanent and substantial construction and are generally in keeping with their surroundings. Such re-use and conversion is generally supported under national guidance in PPS7. Policy CP14 of the TMBCS also identifies that the conversion of an existing building for a residential use is acceptable in the countryside. The conversion of an existing building in the MGB and countryside is therefore acceptable in principle.

6.5 In addition, the reuse of buildings in the MGB and in rural locations is controlled by policy DC1 of the MDE DPD. This policy states that conversion to a residential use is only acceptable if the building is of a sound construction and capable of conversion without major or complete reconstruction and the proposal would not result in an unacceptable residential environment arising from operations or uses nearby. Also the scale and nature of the proposed residential curtilage around the building, particularly in respect of domestic paraphernalia, results in an adverse impact on the rural character or appearance of the countryside.

6.6 In terms of whether the building is capable of conversion without major or complete reconstruction, additional plans and information were requested during the application to clarify this matter. The structural plans submitted and letters from a structural engineer clarify that the building is of sound construction and is capable of conversion without rebuilding. In addition a Building Control Inspector and a Conservation Officer have also visited the site and have confirmed that the

information provided is acceptable and the conversion would not result in the rebuilding of any significant parts of the structure. The development therefore complies with this aspect of policy DC1 and PPG2.

6.7 In respect of the resulting residential environment arising from operations or uses nearby, this largely relates to the noise issues raised and concerns that the adjoining land uses and Scout Hut all have activities that are noisy and could give rise to complaints from the new dwellings which could in turn restrict future activities and events on this surrounding land. It has been identified that the playing fields are heavily used throughout the week and a large number of events and fetes take place on the playing fields all of which can generate large levels of noise.

6.8 In light of these concerns DHH has been consulted over this issue and the hours of use on the Scout Hut and nearby buildings have been investigated. The recreation grounds are clearly used for a wide range of activities on a frequent basis, however there are no floodlights on the sports pitches. As a result, the land is mostly used during daylight hours only and not late into the evening. Consequently noise from the various activities on the recreational ground is unlikely to result in disturbance in the late evenings, although it would be intermittent throughout the day. The Scout Hut and nearby recreational buildings have a condition imposed that no activities shall take place after 10.00pm and therefore there should be no disturbance in the late evening. Also the Scout Hut can be used by the Guides or Scouts for later evening events. However these are only occasional and generally would not result in a large level of noise after 10.00pm. On this basis no objection has been raised by DHH over the potential level of noise which could affect residential amenities of the new dwellings. In addition there are no windows in the Scout Hut on the elevations facing the proposed development and only three on the far elevation. Therefore the design of the Scout Hut is such that any noise made by the occupants should not unduly impact on the development.

6.9 For these reasons DHH has stated that “having considered the existing premises in respect of the sports facilities and Scout hut which exist around this application site, I do not believe that there would be sufficient grounds to refuse the application in respect of noise from these activities especially that arising in the evenings.” On this basis the conclusion is that the proposal would not result in an unacceptable residential environment arising from operations or uses nearby and therefore the application complies with this aspect of Policy DC1.

6.10 The final consideration under Policy DC1 of the MDE DPD is whether the scale and nature of the proposed residential curtilage around the building, particularly in respect of domestic paraphernalia, results in an adverse impact on the rural character or appearance of the countryside. The site is visible from the surrounding land and does have a rural character in keeping with its location. However the site is fairly self contained and separate from the adjoining land. I

consider therefore that the proposed development will not significantly alter the rural character or appearance of the countryside as a result of the proposed conversion for a number of reasons.

6.11 Firstly the proposed conversion results in minimal changes to the external character and appearance of the buildings. As described above there are few additional windows as a result of the conversion, particularly to the elevations. Those that are proposed are considered appropriate for this type of building and will result in an overall improvement. The re-use of the stone buildings to the front of the site and the removal of the timber stable building will also benefit the overall appearance of the site. Clearly further information is required in respect of landscaping and boundary treatment which can be conditioned to ensure it is appropriate for the site. It is also necessary to impose a joinery condition to ensure appropriate joinery is used and the rooflights are limited in their size and acceptable in terms of their appearance. Furthermore conditions restricting further alterations to the elevations can be imposed. With these conditions therefore the external changes to the buildings themselves are acceptable and also comply with the requirements under policies CP1 and CP24 of the TMBCS and policy SQ1 of the MDE DPD as the changes would be in keeping with the character of the buildings and the rural locality.

6.12 Secondly the changes to the rest of the application site can also largely be controlled by conditions. It would be necessary to impose a condition anyway to a converted rural building that would remove all permitted development rights for extensions, but in this case it would also be necessary to remove the rights to erect any outbuildings on the site. Such a condition would help to retain the rural character and appearance of the residential curtilage when seen from the adjoining land. In terms of domestic paraphernalia, washing lines, garden furniture and children's play equipment would be the only elements that could not be controlled by this condition and, due to the layout of the site and the proposed wall to form an enclosed courtyard and also the separate patio areas behind the stone office/study buildings, it is unlikely that such clutter would be significantly visible, notwithstanding any additional landscaping that is proposed. Furthermore the applicant has stated that there is mezzanine storage space to avoid the need for garden sheds and similar domestic paraphernalia. Such a courtyard arrangement also has a rural character which could not be argued would detract from the rural character or the appearance of the countryside. For these reasons I consider that the proposed development complies with all the requirements for the conversion of an existing rural building into a residential use identified in Policy DC1 of the MDE DPD and is therefore an acceptable conversion under the terms of this policy.

6.13 Consequently in terms of the principle of the conversion of this rural building into a residential use it fully complies with planning policies at both national and local level.

6.14 For the above reasons the proposed development also complies with Policy CP6 of the TMBCS, as I do not consider the proposed development will compromise the separate identity of the two settlements as it will not harm the setting or character of the settlement when viewed from the countryside or from adjoining settlements.

6.15 In terms of sustainability issues, as the site is situated on the edge of a settlement, it is within walking distance of most of the local amenities and public transport services and therefore the need to travel can be reduced. In respect of design and sustainable construction no details have been provided, therefore a condition could be imposed to encourage these details. Measures that could be provided that would not have an impact on the external appearance of the building could include a ground source heat pump and grey water recycling along with energy efficient construction measures and fittings within the buildings. The imposition of such a condition would ensure the development complies with policies CP1 of the TMBCS and CC1 of the MDE DPD.

6.16 Turning to the access and parking issues in respect of the proposed development, it is proposed that the existing private access road would be used. This road is owned and maintained by Platt Parish Council therefore KCC only comments on the implications on the public highway. In this respect, KCC has raised no objection as the existing entrance onto Long Mill Lane would be used and they are of the opinion that the proposed conversion of stables to two dwellings is unlikely to result in an increase in traffic from the site. Historically the stables were approved for a commercial livery, so it is likely to result in a reduction in traffic movements from that past use.

6.17 A large number of objections have been raised to the use of this private access road for two further dwellings. However the implications in terms of traffic levels are likely to be negligible considering the level of use from recreational activities. On this basis no planning objection can be raised in my view. Obviously private rights to use the access would still need to be agreed but this is not a matter within the determination of this application.

6.18 In respect of car parking arrangements, a lot of concern has been expressed over the use of the public car parking adjoining the application site. The development proposes two spaces per unit which would comply with the requirements for a two bedroomed dwelling or even a live/work unit. Therefore in terms of KCC standards the on-site parking requirements have been met. There is also sufficient car parking space on site for the existing dwelling; therefore no objection could be raised in respect of car parking. However I do appreciate the concern that the live/work units could generate the requirement for visitor parking which could overspill onto the public car park. I would therefore suggest that, if Members were concerned about the car parking levels, a further parking space could be

requested and provided for each unit without harm to the rural character or appearance of the site. This would ensure the public car park for the recreational ground is always kept available for these public uses.

6.19 In respect of the potential for land contamination arising from former uses of the site, surveys have been submitted which identify that there is currently no evidence of land contamination. However, in order to address any unforeseen contamination a condition has been imposed to ensure that any contamination that might be found is appropriately controlled and dealt with. Similarly, although there is currently no evidence of bats using the building, an informative could be imposed advising the applicants of the necessary requirements if bats are found using the building at a later date.

6.20 I recognise that there is a lot of local concern regarding this proposed conversion and the nature of the applications that have been submitted over the years in relation to this site. However, as discussed above, the principle of converting a rural building into a residential use is acceptable and complies with planning policies. The original permission for the conversion of a barn into the existing dwelling of Stone House Farm was also permitted because it complied with adopted planning policies for residential conversions in rural, Green Belt locations. When that change of use was permitted, a condition was imposed that the dwelling should only be occupied in connection with the operation of the livery stables. This condition was imposed in order to protect the amenities of potential occupiers from activities associated with the stables. If the stables are no longer to operate from the current application site, the need for such a condition no longer exists.

6.21 The PC is mistaken in its allegation that without the occupancy condition the original 2001 conversion would not have been policy compliant as a matter of principle. It is the protection of residential amenity that has always been the underlying justification for occupancy conditions on Stone House Farm.

6.22 The application is therefore recommended for approval as the conversion of these rural buildings is acceptable in principle and in terms of its design and impact on the rural character and appearance of the locality. However the recommendation is subject to a number of conditions.

7. Recommendation:

7.1 **Grant Planning Permission** in accordance with the following submitted details:

Letter dated 16.12.2009, Validation Checklist dated 17.12.2009, Survey Bat Survey Report dated 17.12.2009, Survey structural report dated 17.12.2009, Design and Access Statement dated 16.12.2009, Planning Statement dated 16.12.2009, Photograph dated 16.12.2009, Existing Plans and Elevations1532-GA-100 dated 17.12.2009, Proposed Plans and Elevations 1532-GA-200 B dated 17.12.2009, Site Plan 1531-GA-300 C dated 17.12.2009, Elevations 1531-GA-

400 dated 17.12.2009, Email dated 18.02.2010, Letter dated 18.02.2010, Certificate B dated 18.02.2010, Notice dated 18.02.2010, Location Plan dated 18.02.2010, Email dated 24.03.2010, Letter dated 24.03.2010, Contaminated Land Assessment dated 24.03.2010, Details 01 dated 24.03.2010, Section 02 dated 15.04.2010, subject to the following:

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

   Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2. All materials used externally shall match those of the existing building.

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

3. No development shall take place until details of any joinery to be used, including rooflights, 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 shall take place until details of the roof for the Home Office/Study building 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.

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 any of the elevations of the buildings 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 visual amenity and to retain the original character of the buildings.

6. 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 other than those shown on the approved plans shall be constructed in the roof of any of the buildings 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 the visual amenity and to retain the character of the original buildings.

7. 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 Class A, B, C, D and E of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

   Reason: In the interests of the visual amenity of the site and locality and to ensure the retention of the original character of the buildings.

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

   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.

9. 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.

10. The use shall not be commenced, nor the premises 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 or 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 of vehicles is likely to lead to hazardous on-street parking.

11. No building shall be occupied until the area shown on the submitted plan as 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.

12. If during development work, site significant deposits of made ground or indicators of potential contamination are discovered, the work shall cease immediately, and an investigation/remediation strategy shall be agreed in writing with the Local Planning Authority and implemented by the developer. Any Soils and other materials taken for disposal should be in accordance with the requirements of the Waste Management, Duty of Care Regulations. Any soil brought onsite should be clean and a soil chemical analysis shall be provided to verify imported soils are suitable for the proposed end use. A closure report shall also be submitted by the developer to address the above and any other relevant issues and responses such as any pollution incident during the development.

Reason: In the interests of amenity and public safety.

13. The use of the Home Office/Study hereby permitted shall be ancillary to the main dwelling and shall only be occupied in association with that dwelling.

Reason: The protection of the character and amenity of the locality and to control sub-division of the buildings.

14. Prior to the commencement of development, a scheme shall be submitted to the Local Planning Authority for approval to demonstrate that the development hereby approved will adopt and incorporate practicable and appropriate sustainable construction standards and techniques. The scheme shall take account of the need to minimise: waste generation; water and energy consumption; and the depletion of non-renewable resources. The scheme shall also have regard to the target for at least 10% of the energy consumption requirements to be generated from decentralised and renewable/low carbon sources. The approved scheme shall be implemented prior to the first occupation of the building hereby approved, and retained thereafter.

Reason: To reduce the energy consumption and impact of new dwellings on the environment in accordance with sustainable development principles.

15. Before any works commence on site, arrangements for the management of construction traffic to and from the site (including hours of operation) shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme unless any variation has been agreed by the Local Planning Authority in writing beforehand.

    Reason: In the interests of safety of users of the recreational facilities adjoining.

Informatives

1. Tonbridge and Malling Borough Council operate a wheeled bin, boundary of property refuse collection service. In addition the Council also operates a fortnightly recycling box/bin service. This would require an area approximately twice the size of a wheeled bin per property. On the day of collection, the wheeled bin from each property should be placed on the shared entrance or boundary of the property at the nearest point to the adopted KCC highway. The Council reserves the right to designate the type of bin/container. The design of the development must have regard to the type of bin/container needed and the collection method.

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. The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings and extensions.

4. You are advised that, in undertaking the works hereby approved, due regard should be had to the protection afforded to species under UK and EU legislation irrespective of the planning system and the developer should ensure that any activity they undertake on the application site must comply with the appropriate wildlife legislation. Failure to do so may result in fines and, potentially, a custodial sentence. The applicant is recommended to seek further advice from Natural England, The Countryside Management Centre, Coldharbour Farm, Wye, Ashford, Kent, TN25 5DB.

Contact: Lucinda Green

SUPPLEMENTARY REPORTS

AREA 2 PLANNING COMMITTEE DATED 23 June 2010

Platt **TM/09/03177/FL**
Borough Green And
Long Mill

Conversion of existing commercial livery stable block and associated outbuildings into 2 no. live/work residential units (dwellinghouses) with associated parking and landscaping works and removal of condition 1 of planning permission TM/09/00313/FL (use of stable building only for purposes incidental to the residential occupation of Stone House Farm) at Stone House Farm Stables Long Mill Lane Platt Sevenoaks Kent TN15 8LH for Mr M Cheale

DPTL: There is an error in the planning history - TM/00/00904 for a mobile home was withdrawn.

Removal of permitted development rights for certain extensions and all domestic outbuildings is suggested in condition 7 of my main report. In terms of other domestic chattels or paraphernalia in the proposed private gardens, in my view there is scope for landscaping and boundary treatment to effectively visually screen such items, suggested condition 8 refers.

As detailed in my main report, DHH has not received any complaints about noise from the leisure and recreational uses on Stone House Field from the dwelling that exists on site. To compare nearest proximity to existing uses:

Intervening Distance (m)	existing house	proposed main dwelling(s)	Proposed home office/study
Cricket Pavilion:	37	57	40
Football Pitch	29	54	39
Scout Hut	53	6	6
Sports Hall	34	52	33
Playground:	84	89	74
Changing Rooms	54	67	48

The only use which is nearer the proposed dwellings compared to the existing is the Scout Hut. The implications of this have been considered by DHH in connection with conditions imposed on the Hut's planning permission and no objections are raised as detailed in my main report.

RECOMMENDATION UNCHANGED
