

SUPPLEMENTARY REPORTS

AREA 2 PLANNING COMMITTEE

DATED 31 October 2012

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**West Malling (A) TM/12/01302/FL**  
**West Malling And (B) TM/12/01303/LB**  
**Leybourne**

**(A) Demolition of existing garage, erection of two storey side extension and single storey rear extension, lightwells to basement, formation of new vehicular access (including alterations to railings and demolition and rebuild of front wall), and erection of double garage; (B) Listed Building Application: Demolition of existing garage, erection of two storey side extension and single storey rear extension, lightwells to basement, formation of new vehicular access (including alterations to railings and demolition and rebuild of front wall) at 55 Swan Street West Malling Kent ME19 6LW for Mr John Ariel**

Private representations: A further letter of representation has been received from Tetlow King Planning, on behalf of Mr and Mrs Mullarkey who are the occupiers of 53 Swan Street, adjoining the application site to the west.

In summary, the letter contests the report a number of aspects of the development relating to the two-storey side extension, including loss of light, outlook and privacy, restriction to the opening of the first floor window and impact on the listed building. Comment was made disputing the reference of the 45 degree rule outlined in Saved Policy Annex P4/12 of the Local Plan to rear extensions only. In respect to the listed building, it has been stated that the removing of the gap between the main dwelling and No.53 would affect the significance of the listed building.

DPTL: A sunlight/daylight test has been carried out to the first floor flank window which indicates that there is no impact at all on sunlight from the extension. This is due to the window being east facing and set 3.5m opposite from the flank of a 2 storey house.

The position of this window relative to the existing house at no 55 also means that daylight test is passed. Daylight will reduce from 20% to 16%. This is a 0.8 reduction which is judged by the BRE to be imperceptible.

In terms of the ground floor window, this faces a 2 storey flank of a house at a distance of 3.5m and is also set perpendicular to the front of the garage of no, 55. Its daylight and sunlight will be poorer than the first floor windows and proportionately less harmed by the extension.

In terms of the outlook and privacy of the occupiers of No.53 Swan Street, the extension is setback from the windows such that they would not be directly adjacent to them. In light of the limited outlook that exists, the outlook would not be worsened in this case. The plans are adequate to make a judgement that the angles of view from these windows to and from the proposed extension would be acute such that privacy would not be demonstrably harmed.

I remain of the view that the restriction to the opening of the first floor window would not be so great as to warrant refusal of the application, and that although it would not be able to extend right around to the side face of the dwelling, it would provide an opening that would in normal use be sufficiently generous such that it would not harm the living conditions of the occupants of the room.

It should be noted that within the preamble to section 16 of this policy it is explicit in making reference to rear extensions. Notwithstanding this, the opinion that the extension will not demonstrably harm character of the building and the residential amenity of No.53 is maintained.

It should be noted that the views of the Council's Conservation Officer within the Directorate have been taken on board in the assessment of the proposal overall and there is no necessity to outline these views separately. The view is held that such a gap would not be critical to the significance of the listed building given the tight historic built form on the site already and within the immediate centre location within the settlement.

## **MY RECOMMENDATION REMAINS UNCHANGED**

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**Ryarsh  
Downs**

**TM/12/02341/FL**

**Ground floor extension to form enlarged dining and hall amendments to existing car parking and front boundary at Stoned Lodge The Street Ryarsh West Malling Kent ME19 5LL for Mr P Cheeseman**

PC: Ryarsh Parish Council notes that the photographs submitted by the applicant are taken from the very boundary edge somewhere close to the bus timetable notice. This does not give an accurate reflection of the street scene and views.

Photos were submitted in respect of the first application for Stoned Lodge, which are attached again. These clearly show the Duke of Wellington from 1 Rose Cottage Dining Room window. The second photograph of the window and its position shows the relationship to the existing front elevation of Stoned Lodge north west corner. This photograph reinforces concerns at the impact on daylight and views from 1 Rose Cottages window, whatever further forward extension is proposed.

Private Representations: Two additional letters of representation have been received, raising further objections in relation to:

- The photographs submitted by the applicant are inaccurate and inadequate
- The photographs are not a true representation of the street scene
- Any future extension of this property will impact on the conservation area and its character and obstruct the window of the adjoining property

DPTL: These additional comments and photographs do not alter my assessment of this application and the issues it raises, which are all identified and discussed in the main report.

### **MY RECOMMENDATION REMAINS UNCHANGED**

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**Offham                              TM/12/02549/WAS**  
**Downs**

**Temporary development of an Anaerobic Digestion Plant together with associated infrastructure, reconfiguration of the consented Advanced Thermal Conversion Plant, together with associated infrastructure, the realignment of part of the existing access road, the relocation of existing office and welfare accommodation and the relocation of the existing weighbridge at Blaise Farm Quarry Kings Hill West Malling Kent ME19 4PN for New Earth Solutions Group**

Private Reps: A representation was sent directly to TMBC and an identical representation was sent to KCC (a copy of which was provided to TMBC) from the owner of a property in Offham. This details that the property has been affected by malodour, and objects on the grounds of potential increases in malodour.

DPTL: Members are advised that since the drafting of the main report, KCC has granted permission for the following applications (the main report stated both were pending consideration):

TM/12/02585/WAS    Approved                              22 October 2012

Erection of canopy structure and siting of container to provide an ancillary workshop facility for a temporary period of up to 3 years (KCC ref: TM/0304/2012)

TM/12/02919/MIN    Pending Consideration                      24 October 2012

Non material amendment to planning application TM/09/03231/R16 - Request for the approval of the Waste Planning Authority to open on 26th December (Boxing Day) 2012 for the receipt of waste deliveries and the shredding of incoming material pursuant to condition 16 of planning permission TM/09/03231

The KCC Planning Applications Committee will be undertaking a site visit to Blaise Farm on 01 November 2012, followed by a site visit to an anaerobic digestion plant at Aggrivert's Cassington facility in Oxfordshire.

Cllrs Murray and Chartres are due to attend Blaise Farm and Cllr Chartres and a colleague from Environmental Protection are attending the visit to Cassington. TMBC Officers have already visited the Cassington plant.

The points raised in the private representation have been addressed in my main report.

### **MY RECOMMENDATION REMAINS UNCHANGED**

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**Stansted Downs**                      **TM/12/01290/FL**

**Diverted access road to permitted hotel on land to the west of South Ash Road. The relocation of the existing driving range on land to the east of South Ash Road. A European Tour Performance Institute (ETPI) driving range building. A 9 hole golf course created utilising the cut from the hotel development. Chipping area and putting green. An underpass under South Ash Road. Areas of hard standing including car parking and access road. Diverted public rights of way. Associated reservoir and landscaping at The London Golf Club South Ash Manor South Ash Road Ash Sevenoaks Kent TN15 7EN for London Golf Club**

No supplementary matters to report.

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**East Peckham**                      **TM/12/02594/FL**  
**East Peckham And**  
**Golden Green**

**Proposed redevelopment of existing sheltered housing site for 4 flats, 12 houses and associated works at Marvillion Court The Freehold East Peckham Tonbridge Kent TN12 5AW for Circle Housing Group**

Applicant: Amended plans have been submitted that make alterations to:

- The elevational details of units 10 and 11 to include weatherboarding to front and side elevations and a fully hipped roof, instead of a gabled roof
- Re-numbering of the proposed car parking spaces; and

- The inclusion of additional landscaping to site boundaries and to the front of units 10 and 11.

In addition, the agents have identified a number of reasons why the suggested amendments to the layout of the proposed car parking and access road have not been undertaken to date.

Private representations: One further letter of representation has been received stating that the site is already boarded up ready for demolition, no doubt it is obvious that planning application meetings are a foregone conclusion and any objections local residents may have will not be taken into consideration.

DPTL: These amendments address some of the issues raised in paragraphs 6.11 and 6.17 of the main report. The amendments to the design of units 10 and 11 are acceptable and result in an improvement to the design and detailing of these two units. The amendment to the roof form also improves the appearance of this row of units, reduces the bulk of these buildings and adds some variety to the roof forms, allowing better views through the site.

The additional landscaping proposed is to be encouraged and is beneficial to the overall development of the site as a whole. This addresses the matters raised in the report.

In terms of the requested changes to the layout of the access road and car parking spaces this is yet to be submitted. However, a revision of the annotation of the car parking spaces has been submitted and is shown on the amended plans. Officers are in continuing discussion with the applicants regarding possible amendments to the road and parking layout and therefore my recommendation - that a final determination be delegated to Officers dependent upon the outcome of those negotiations – remains. As with the amended plans recently received, that would also be subject to further public consultation being carried out, as appropriate.

In respect of the additional objection received it is clear that boarding up a site should not be taken to show that planning permission has already been granted.

The site is not in an area at risk of flooding, is 70m from the nearest watercourse and IS not on a Water Gathering Area so ordinarily there would not be a concern over the use of soakaways for surface water drainage. However, in the light of the ground water environment in the locality, it is suggested that a condition be imposed to ensure that the significant additional parking/roadways and other hardstandings in the redevelopment scheme can be acceptably drained.

#### **AMENDED RECOMMENDATION:**

##### **Additional condition:**

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- 14 No development shall take place until details of surface water drainage have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with the approved details.**

**Reason: In order to prevent pollution of ground water in accordance with Policy CC3 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and Paragraph 120 of the National Planning Policy Framework 2012.**

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**Leybourne (A) TM/12/00494/FL  
West Malling (B) TM/12/00495/LB  
And Leybourne**

**(A) Conversion and refurbishment of Leybourne Grange and stable block, plus construction of 6 no. dwellings to provide 29 dwellings, with associated parking spaces and landscape works; (B) Listed Building Application: Conversion and refurbishment of Leybourne Grange and stable block, plus construction of 6 no. dwellings to provide 29 dwellings, with associated parking spaces and landscape works at The Former Leybourne Grange Hospital Birling Road Leybourne West Malling Kent for Taylor Wimpey UK Ltd And The Homes And Communities Agency**

Applicant: A Bat Survey Report has now been submitted in support of the application. This clarifies the survey work undertaken in respect of the presence of bats on the site and the number and type of bats recorded. In total 6 different bat species were recorded on site and a non-maternity bat roost was identified in The Manor and the Clock Tower buildings. Bat mitigation measures should be sought and a number of different measures should be incorporated, to include bat boxes on trees, the retention of bat roosting features such as roof voids or tiles and retaining suitable access points for bats as part of the refurbishment works. In addition, new roosting features such as false mortise joints and wooden slats provided internally within the roof voids should be incorporated. It is stated that these measures would be detailed as part of the EPS Licence.

Natural England: (Advice in respect of Interim Bat Summary): In respect of bat mitigation guidelines, it is determined that the scale of impact is low and that mitigation has been provided which is appropriate and proportionate to the scale of impact, that is, like for like in terms of roost size, aspect, temperature etc., considering whether it includes appropriate landscaping, maintenance of commuting routes, foraging areas and management of lighting etc. to prevent indirect impacts upon bats. NE advise the authority that permission may be granted subject to appropriate conditions including a detailed mitigation and monitoring strategy for bats.

(Advice in respect of Bat Survey Report): The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

DPTL: The bat report and additional comments from Natural England both clarify that measures and works to date, in respect of bats on the site, are appropriate and are satisfactory to be able to determine the planning application. A separate European Protected Species Licence from Natural England will be required for the works to the listed buildings due to the presence of bats.

Condition 12 needs to be amended to relate the requirement for renewable energy and sustainable construction standards and techniques to the new build units only. To clarify, this is the 6 new build units proposed to the west of the listed buildings.

In addition, KHS has further confirmed that the road to the north of the listed buildings needs to have a minimum width of 4.8 metres, as required by Manual for Streets. The road shown on the submitted plans is 4.5 metres and would not be adopted under a S38 agreement. However, there is scope to provide this increase in road width within this specific area. This alteration would amount to a Non-Material Amendment if Members support the recommendation.

#### **AMENDED RECOMMENDATION:**

##### **(A) TM/12/00494/FL:**

##### **Amended conditions:**

- 12. Prior to the commencement of development, a scheme shall be submitted to the Local Planning Authority for approval to demonstrate that the development of the new build units hereby approved will adopt and incorporate practicable 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 buildings and retained thereafter.**

**Reason: In the interests of sustainable development and in accordance with policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policy CC1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and the NPPF.**

- 14. The works for the conversion of the listed buildings shall be undertaken in accordance with the Bat Survey Report dated 23.10.12 and in line with a Natural England European Protected Species Licence. Works shall cease if any new evidence of bats is identified during works within the listed buildings**

**for which additional bat mitigation measures are required. Works shall not recommence until details of those additional measures have been submitted in writing to the Local Planning Authority.**

**Reason: In the interests of protected species and biodiversity and in accordance with Policy NE3 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraph 118 of the National Planning Policy Framework 2012.**

**Platt TM/12/00933/FL  
Borough Green And  
Long Mill**

**Use of site as Gypsy/Traveller site with two mobile homes, two touring caravans, one day room and one utility at Land North East Of Askew Bridge Maidstone Road Platt Sevenoaks Kent for Mrs Bridget Doran**

DHH:

External Noise Environment

The Noise Assessment completed by Bureau Veritas on behalf of Kenrick Associates report reference (NSOXO652/1Rev1 dated 4 March 2009) determined the:  
daytime noise level at the site to be 63dB LAeq0700-2300  
night-time noise level at the site to be 59dB LAeq2300-0700.

BS 8233 (1999) 'Sound Insulation and Noise Reduction for Buildings - Code of Practice' - para 7.6.1.2 states 'in gardens and balconies etc it is desirable that the steady noise level does not exceed 50 LAeqT dB and 55 LAeqT dB should be regarded as the upper limit'.

TMBC MDE Policy SQ6 (as expanded on in Policy Annex SQ6) states that based on the evidence in PPG 24, paragraph 17 and annex 2 paragraph 4, it is considered that the level of noise in the gardens and amenity areas of dwellings is a material planning consideration. In this context gardens and amenity areas are those areas where residents might reasonably expect to spend significant periods of time relaxing. In order to safeguard the aural amenity of residents using gardens and amenity areas it is desirable that the daytime (07:00 to 23:00hrs) level of noise should not exceed 55 LAeq dB free field.

Internal Noise Environment –Windows Closed

British Standard 8233- Table 5 – provides good and reasonable indoor ambient noise levels in spaces when they are unoccupied as detailed below:

Criterion	Typical situations	Good internal noise	Reasonable noise
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		criteria (LAeqT) dB	criteria (LAeqT) dB
Reasonable resting conditions	Living Rooms	30	40
Reasonable sleeping conditions	Bedrooms	30	35

TMBC MDE Policy SQ6 (as expanded on in Policy Annex SQ6) states that where habitable rooms will be exposed to a level of noise in Category B (*and by inference also in Category C*) mitigation measures will need to include a scheme of acoustic protection to secure internal noise levels no greater than 30 LAeq dB in bedrooms and 40LAeq dB in living rooms, with windows closed.

The internal levels set out at 2.2 above, stated in BS 8233 and TMBC MDE Policy and Policy Annex SQ6 can be achieved at the site if the caravans meet the criteria in British Standard 3632:2005 – 'Residential Park Homes', which requires a minimum Sound Reduction Index of 35dB in the 125Hz-4kHz range.

With an external noise climate during the day of 63 (LAeqT) dB, the internal noise climate would be 28 (LAeqT) dB and at night the internal noise climate would be 24(LAeqT) dB, if the caravans comply with the criteria within BS 3632:2005, *with the windows closed*.

Caravans manufactured after 2005 should meet this standard, but confirmation would need to be sought from the manufacturer that the caravans on site comply.

#### Internal Noise Environment –Windows Open

Whilst compliance with the criteria in British Standard 3632:2005 will achieve the required internal noise criteria, *with windows closed*; consideration also needs to be given to achieving a good or reasonable internal noise criteria with windows open based on the external ambient noise levels detailed in the acoustic report.

Table 10 in BS:8233(1999) states that with any type of window in a facade when partially open will achieve a weighted sound reduction index (Rw)of between 10 and 15 dB.

In respect of this application the scenario of having the windows open would result in an internal noise climate of:

- 48 to 53dB (daytime) and
- 44 to 49 dB (night-time.)

TMBC MDE Policy SQ6 and Policy Annex SQ6 continues that if with one window open, in any room, predicted noise levels exceed LAeq 48dB in living rooms during the day and LAeq 40 dB in bedrooms during the night, additional ventilation will be required.

#### Noise barrier

The acoustic report gives an indication that rail noise affecting the site could be reduced by the construction of a barrier between the site and the railway, although no calculations are given as to how effective this would be. For the barrier to have any meaningful effect it would have to prevent line of sight between noise source and receptor. Given that the train line is on an embankment owned by Network Rail, any barrier would have to be built up from the ground level of the site, whilst this is theoretically achievable it is in reality impractical and likely to be extremely costly.

#### Conclusion

The acoustic report demonstrates that the requirements of TMBC MDE Policy SQ6 and Policy Annex SQ6 will not be met in respect of the external environment on the site and the internal environment of the caravans, with their windows open.

DPTL:

#### Appeal

It is necessary to provide a Rule 6 Statement indicating the Council's case to the Planning Inspectorate by 10 December 2012. It is a public Inquiry case, date to be agreed.

#### Noise/aural environment

The site is subject to noise from both the railway and A25. The noise assessment provided in respect of application TM/07/04156/FL identifies that the noise levels at the site during both day and night would fall within Noise Exposure Category C in Local policy. MDE DPD Policy SQ6 details that where noise levels fall within this category, planning permission will not normally be granted for residential development and that it will be necessary to demonstrate that noise levels for noise sensitive development, including residential amenity space, are appropriate: Policy Annex SQ6 states that the daytime level of noise in gardens/amenity space should not exceed 55LAeq dB.

Having regard to the comments of DHH, the noise environment of the application site is such that the daytime noise levels of the amenity areas of the site (63 LAeq dB) is in excess of that stated in Policy Annex SQ6 (55 LAeq dB) and the upper limit as set out in BS 8233 (1999) for residential gardens. As such I consider that the proposal is contrary to the requirement in MDE DPD Policy SQ6 for noise levels to be appropriate for the noise sensitive amenity space associated with the residential use of the site.

It is also apparent from the comments of DHH that, subject to the caravans/mobile homes satisfying the criteria in BS 3632:2005 Residential Park Homes (which could potentially be secured by Condition), the internal noise environment of the caravans and mobile homes would conform with reasonable noise criteria for living rooms and bedrooms (40 and 35 LAeq dB) as set out in BS 8233: 1999 Sound Insulation and Noise Reduction for Buildings – Code of Practice, *provided that all windows were closed*: the internal noise levels would be 28 LAeq dB during the day and 24 LAeq dB at night with the windows closed.

However, DHH considers that the internal noise environment of the caravans and mobile homes with windows open would be between 48 – 53 db during the daytime and 44 – 49 db during the night. These levels are considerably higher than the reasonable noise levels as set out in BS 8233: 1999 Sound Insulation and Noise Reduction for Buildings – Code of Practice for living rooms and bedrooms (40 and 35 LAeq dB). MDE DPD Policy Annex SQ6 states that where internal noise levels would be above 48 LAeq dB in living rooms with windows open during the day and 40 LAeq dB in bedrooms with windows open during the night, it will be necessary for additional ventilation to be required.

The application does not detail that any additional ventilation will be provided to the caravans or mobile homes at the site. Following discussions with DHH, I am not aware of any methods of additional ventilation which could reasonably and practically be utilised to provide such ventilation, given the particular characteristics of caravans and mobile homes (as compared to “bricks and mortar” dwellings). This is particularly the case in respect of touring caravans, which would be expected to be able to be moved with only a relatively small amount of preparation time.

Accordingly, having regard to the above, I consider that the proposal is contrary to MDE DPD Policy SQ6 as the external noise levels are not appropriate for the amenity space associated with the use of the site, and the fact that it has not been demonstrated that adequate internal noise environments can be provided within the residential caravans and mobile homes at the site. I have accordingly amended the recommendation to include an additional reason for which the Council would have refused planning permission, if the Council had determined the application.

### Legal Opinion

As detailed in the main report at paragraph 1.5, the applicants do not consider that they can reside at the Coldharbour site. The Council has received a legal opinion which, in summary sets out that:

- an objection from the applicant to residing on a public site for Gypsies/Travellers such as Coldharbour based solely on the ground that that site is unsuitable as the occupants of that site are predominantly English Romany Gypsies whereas the applicant and her family are Irish Travellers would not be a material consideration;

- if the Council was to give weight to the consideration that Coldharbour was unsuitable solely due to differences in racial background it might well be in breach of its public sector equality duty under Section 149 of the Equality Act 2010;
- if there were reasonable, credible and substantiated grounds to conclude that the applicant or other members of her family would be at risk of harm if they moved to the Coldharbour site, those grounds might well rule out the Coldharbour site as providing suitable alternative accommodation;
- that an example of a substantiated fear of harm could include reference to credible evidence of previous acts of hostility from identified occupiers of the Coldharbour site.

I have reassessed the evidence provided as part of the planning application and the information ascertained by Case Officers in their Human Rights interview undertaken with senior members of the applicant's family (Tommy and Magaret Doran) on 13 June 2012. This evidence is set out at paragraph 1.5 of my main report. This evidence included the fax from the Romany Kris which was provided as part of the application which states that "there might be violence" if the applicant and his family were forced to move to Coldharbour, together with Mr Doran's statement to Case Officers that he did not know or have disputes with any of the current residents at Coldharbour.

Having regard to this evidence, it is my opinion that there are not reasonable, credible and substantiated grounds to conclude that the applicant or other members of her family would be at risk of harm if they moved to the Coldharbour site. Accordingly, I maintain my view as set out at paragraph 7.3 of the main report that the provision at Coldharbour will provide for suitable accommodation for the applicant and her family, even though they express a wish not to relocate there.

### Enforcement Action

The temporary planning permission for the use of the site for residential accommodation for one extended gypsy family ceased in April 2012. However, the site remains in such use without planning permission. Members will note that the recommendation on this proposal is to advise the Planning Inspectorate that, had the Council determined the application, planning permission would have been refused.

Accordingly, I consider that it is appropriate for the Authority to take enforcement action to seek the cessation of this unauthorised use.

### **AMENDED RECOMMENDATION:**

#### **(1) Additional Reason:**

4. The noise levels at the site fall within Noise Exposure Category C as detailed in Policy Annex SQ6 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document Plan Document. Policy SQ6 of

the Managing Development and the Environment Development Plan Document states that planning permission will not normally be granted for residential development where noise levels fall within this category and requires that noise levels for noise sensitive development are appropriate for the use. The aural environment at the site is not considered to be acceptable or appropriate for the proposed use due to the noise levels of the parts of the site which would be utilised for amenity purposes associated with the residential use of the site, and it has not been demonstrated that reasonable and appropriate internal noise levels and ventilation can be achieved within the caravans and mobile homes at the site, which could potentially give rise to significant adverse impacts on health and quality of life. The proposal is contrary to Policy SQ6 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document and paragraphs 17 and 123 of the National Planning Policy Framework.

**(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 settle 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 use of the site as a residential caravan site.

**Reasons For Issuing The Notice**

It would appear to this Authority that the above breach of planning control has occurred within the last ten years.

The site lies within the Metropolitan Green Belt where there is a strong presumption against permitting inappropriate development, as defined in paragraphs 89-91 of the National Planning Policy Framework 2012 and paragraph 14 of the Planning Policy for Traveller Sites 2012 and policies CP3 and CP20 of the Tonbridge and Malling Borough Core Strategy 2007. An inadequate case of very special circumstances has been submitted in justification of the harm caused by inappropriateness and the harm to the openness of the Green Belt. The development, by virtue of its nature and scale, detracts from the openness of the Green Belt and the character of the rural locality and is, therefore contrary to paragraphs 17 and 79 of the National Planning Policy Framework 2012, paragraph 23 of the Planning Policy for Traveller Sites 2012 and Policies CP14 and CP20 of the Tonbridge and Malling Borough Local

Development Framework Core Strategy. The development is contrary to paragraph 22 of the Planning Policy for Traveller Sites 2012 and policy CP20 of the Tonbridge and Malling Borough Core Strategy 2007 for the reason that the likely need for additional gypsy pitches within the Borough will be met by the proposed expansion of an existing gypsy site in the Borough. The aural environment at the site is not considered to be acceptable or appropriate for the use due to the noise levels of the parts of the site which would be utilised for amenity purposes associated with residential use of the site and it is not considered that reasonable and appropriate internal noise levels and ventilation can be achieved within the caravans and mobile homes at the site, which could potentially give rise to significant adverse impacts on health and quality of life: this would be contrary to Policy SQ6 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document and paragraphs 17 and 123 of the National Planning Policy Framework. An application to retain the residential caravan site, associated structures, could not be supported in principle and the imposition of conditions could not overcome all the concerns with the unauthorised development.

The enforcement notice is needed to overcome the harm to the site by inappropriateness and harm to the openness of the Green Belt and countryside and to ensure that there is not residential use of a site with an inappropriate and unacceptable aural environment.

**Requirement**

To cease the use of the site as a residential caravan site and to remove from the land all caravans and associated ancillary structures.

**Period For Compliance**

Four calendar months from the date the Notice becomes effective.