
Shipbourne Borough Green And Long Mill	560704 151520	15 June 2012	TM/12/01819/FL
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Proposal:	Demolition of 1 no. dwelling and construction of 1 no. four bedroom dwelling, quadruple garage and stable (alternative to TM/08/01047/FL)
Location:	Hookwood Farm Puttenden Road Shipbourne Tonbridge Kent TN11 9QY
Applicant:	Mr & Mrs Michael Kingshott

1. Description:

- 1.1 The application is to demolish a chalet bungalow and to erect a larger 2 storey replacement dwelling further from the road frontage, on land which is currently agricultural. It will be built on an east-west line, the eastern flank being set approx 55 m from Puttenden Road. The intervening land will include a timber clad stable block comprising 3 loose boxes. This stable block is to be surrounded by new woodland planting.
- 1.2 There will be a quadruple garage with a central drive-through portion, located to the north (front) of the new dwelling. The driveway will swing round and will access from the existing residential access onto Puttenden Road.
- 1.3 To the north of the quadruple garage entrance feature is lower-lying land to be formed into a water meadow. This is land that has planning permission for the bungalow under ref. TM/08/01047/FL and TM/11/00977/FLX and has 2 large agricultural style buildings to be demolished. A second existing access to Puttenden Road will be closed as it will become redundant once the buildings on this area are all removed and the water meadow is created.
- 1.4 The dwelling and garage block are to be of Palladian style of facing brick, slate roof and timber sash windows.
- 1.5 This is an alternative scheme to a planning permission which was granted for a different applicant which was the demolition of 2 dwellings, and their replacement by 1 no. five bedroom dwelling, detached double garage and 1 no. two bed bungalow. As part of that scheme, 2 agricultural buildings were to be demolished to allow the 2 bed bungalow to have a residential curtilage. This scheme was originally permitted under ref TM/08/01047/FL, renewed by TM/11/00977/FLX and then amended by TM/11/01080/NMA.
- 1.6 Development commenced on this 2 dwelling redevelopment in the form of the 2 agricultural buildings and the 2 bed bungalow being demolished. The footings have been dug for the approved two bedroom bungalow. There has been no start

on the redevelopment for the 5 bed roomed house but the commencement for the bungalow does mean that the overall planning permission is extant and could be completed in the future.

- 1.7 However, the new owner does not wish to build the 2 unit scheme but to combine the overall permission into one much larger house. This current application is proposing to build a large single dwellinghouse, quadruple garage and stables in lieu of the 2 dwellings permitted and in a different location. As part of the proposal, the applicant is proposing to remove a further two additional agricultural style buildings which would have been retained in the scheme TM/08/01047/FL.
- 1.8 The dwelling in this application has been reduced in height during the course of the application by 1m, and would now be 10m in height. The stable block has been resited and is to be timber clad and low rise rather than brick and slate in the Palladian style as originally submitted.
- 1.9 The existing ground level of the proposed dwelling of the current application is higher than the ground level of the existing dwelling and demolished dwelling of the extant planning permission.

2. Reason for reporting to Committee:

- 2.1 The site has a lengthy planning history and at the request of Cllr Sayer.

3. The Site:

- 3.1 The site is in the countryside and is located within the Metropolitan Green Belt, on the west side of Puttenden Road.
- 3.2 The application site currently comprises:
 - An existing residential dwellinghouse and associated garage;
 - Trenches for footings for the approved 2 bed bungalow (TM/08/01047/FL) which have been dug;
 - Two agricultural style buildings measuring 338m³ and 4120m³;
 - Two vehicular accesses (one to the north-east of the site and one to the south-east); and
 - Agricultural paddock land.
- 3.3 The site of the proposed dwelling lies outside any established or extant residential curtilage, on the agricultural paddock land.
- 3.4 The topography of the site rises to the south and west.

4. Planning History:

TM/67/10624/OLD grant with conditions 15 September 1967

Alterations to form bedroom in roof.

TM/71/10833/OLD grant with conditions 14 December 1971

Additional Drive.

TM/73/10916/OLD grant with conditions 12 January 1973

Car port

TM/74/11314/OLD grant with conditions 26 March 1974

Double garage for R. Ayre.

TM/90/11109/FUL grant with conditions 13 June 1990

Stable complex comprising 10 no. 12 x 12' x 8' tack room, part for private use and part livery.

TM/91/10319/FUL grant with conditions 3 May 1991

Single storey front extension.

TM/94/01014/LDCE lawful development certifies 16 April 1994

Application for Certificate of Lawfulness of existing development: repair of motor vehicles, including ancillary parking and storage

TM/95/51511/FL Grant With Conditions 22 December 1995

rear extension

TM/97/00665/FL Grant With Conditions 13 June 1997

new pitched roof to existing flat roof garage

TM/98/01191/FL Grant With Conditions 7 September 1998

two storey side extension

TM/99/02422/LDCE Certifies 6 April 2000

Lawful Development Certificate Existing: Application under S.191 (1) (b) for a residential bungalow

TM/07/02837/FL Application Withdrawn 15 November 2007

Demolition of 2 no. existing buildings and construction of 2 no. five bed dwellings

TM/08/01047/FL Approved 22 July 2008

Demolition of 2 no. buildings and construction of 1 no. five bed dwelling and double garage, and 1no. two bed dwelling (Resubmission of TM07/02837/FL)

TM/11/00977/FLX Approved 7 June 2011

Extension of time limit for planning permission TM/08/01047/FL (Demolition of 2 no. buildings and construction of 1 no. five bed dwelling and double garage, and 1no. two bed dwelling)

TM/11/01014/DEN Permission Not Required 2 June 2011

Prior Notification of Demolition: Two no. timber frame and clad workshops. One dwelling, formally agricultural building to construct new dwelling as approved under TM/08/01047/FUL

TM/11/01080/NMA Approved 19 May 2011

Non-material amendment to planning permission TM/08/01047/FL (Demolition of 2 no. buildings and construction of 1 no. five bed dwelling and double garage, and 1no. two bed dwelling) (Resubmission of TM07/02837/FL)

TM/11/01081/RD Approved 13 June 2011

Details submitted pursuant to condition 2 (materials), 3 (landscaping), 6 (slab levels) and 8 (energy efficiency assessment) of planning permission TM/08/01047/FL (demolition of 2 no. buildings and construction of 1 no. five bed dwelling and double garage, and 1no. two bed dwelling) (resubmission of TM/07/02837/FL)

5. Consultees:

5.1 PC: Shipbourne Parish Council objects to the revised proposals for the following reasons:

- 1) We have concerns about the scale, bulk and size of the proposed application. Although the proposed new dwelling represents a 25.4% reduction on the total footprint of the two existing dwellings we do not agree that the increase in the main dwelling size is offset by the compact form of the proposed house. However we are pleased to see a reduction in the height of the main house.

- 2) We are concerned about the visual impact of the proposed drive-through entrance/garage and feel this is out of character with the proposed main house. Although we are pleased to note that the proposed stables now have a separate entrance off the driveway we preferred the symmetry of the original proposals where the garage and stables created a courtyard effect.
- 3) We feel that the extra room on each side of the main house (a snug and a laundry room) create an impression of a larger house and do nothing to add to the aesthetic appearance of the exterior.
- 4) We request that any existing agricultural occupancy conditions should be carried forward to the new dwelling.
- 5) We request that conditions are set for the use of appropriate materials in keeping with the proposed Palladian style albeit recognising its rural setting.

5.2 KCC (Highways): No objection.

5.3 DHH:

5.3.1 (Housing) The applicant needs to recognise and reflect that the submission triggers the Council's adopted Core Strategy for affordable housing provision, as the proposed development considerably exceeds the land area threshold described within CP17 (0.16ha).

5.3.2 (Contaminated Lane): No objection, subject to contamination condition.

5.3.3 (Environmental Protection): No objection, subject to informative restricting hours of construction and prohibiting disposal of waste by incineration.

5.3.4 (Waste Management): No objections.

5.4 EA: The site lies within Flood Zone 1 – an area considered to be of low risk to flooding. However, considering the proximity of the site to the ditch to the north, and the problems you have described below, I would recommend that the floor levels are raised as high as possible, and that consideration is given to the incorporation of flood resilience measures – such as raised electrics – further details are available via website which may be useful to the applicant. I note that the site is situated on clay. In consideration of the low permeability of clay, and the amount of intense rainfall events we have experienced recently, the flooded footings could be indicative of the inability of the rain to infiltrate through the soil, and therefore where it's quite wet at the moment, disturbance leads to large amounts of water "leaking" out of the soil. Also, there could be layers of sand within the clay strata which could have a seam of groundwater going through it. Or there could be a nearby spring. Best that the applicant seeks advice from a civil engineer who may be able to establish exactly what the problem is and how it can be dealt with.

5.5 Private Reps: 2/0S/0X/0R + Art 13 Site & Press. No response.

6. Determining Issues:

- 6.1 Paragraph 88 of the NPPF and Policy CP3 of the TMBCS state that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 6.2 A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Paragraph 89 of the NPPF states that one of the exceptions to this is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
- 6.3 Policy DC2 of the MDE DPD states that a replacement building in the countryside will be permitted subject to the replacement building not being materially larger than the existing building and it being appropriate in scale and design to its setting and any neighbouring dwellings. Policy DC2 also states that the replacement of non-residential buildings in the countryside with residential development will be considered on the basis that it is new residential development and subject to Policy CP14 of the TMBCS.
- 6.4 Policy CP14 accepts the one-for-one replacement of an existing dwelling within the countryside. Policy CP14 of the TMBCS states that within the Green Belt, inappropriate development which is otherwise acceptable within the terms of the policy will need to be justified by very special circumstances.
- 6.5 Policy SQ1 of the MDE DPD requires proposals to reflect the local distinctiveness.
- 6.6 The applicant has submitted volume calculations for both of the existing and proposed dwelling. The applicant has taken account of the two existing farm style buildings to be demolished in the volume calculations.
- 6.7 The applicant has calculated the combined volume of the foregone dwellings to be 1,441 m³, the proposed dwelling 2250m³, the garaging and stable building totalling 1220 m³. It is clear that, overall, there is a significant increase of 56% in terms of the dwelling volumes and the situation is more unfavourable if the garaging and stabling are also factored in. The proposed dwelling and associated outbuildings are located within a different location within the site than the existing or approved buildings, and would result in a significant increase in scale materially larger than the combined volumes of the forgone dwellings, and are therefore inappropriate development.

- 6.8 In mitigation, the applicant is proposing to demolish two other existing structures, which amount to 4,458m³. These structures are typical agricultural style buildings, of concrete frames and asbestos sheeting. There is a Lawful Development Certificate relating to part of the larger building for ancillary parking and storage of vehicles used in conjunction with their repair within an adjacent building (the adjacent building has now been demolished to facilitate TM/08/01047/FL). However, policy DC2 of the MDE DPD does not allow for the replacement of non-residential buildings in the countryside with residential development. Furthermore, whilst utilitarian in appearance, they are not necessarily alien structures, in terms of their design, within the countryside. However, whilst it is accepted that their removal will extinguish a non-conforming use and allow a more open aspect from the creation of the water meadow, it is unlikely that a commercial use would be continued with the implementation of the extant permission, given the proximity of the approved dwelling to these buildings. This could contribute to a case of “very special circumstances” (VSCs). However, Members may wish to form a view as to whether the applicant would wish to secure that advantage to improve outlook from the new house in any event.
- 6.9 It is proposed to site the proposed dwelling outside the established residential curtilages. Therefore, the proposal constitutes inappropriate development for that reason also.
- 6.10 The proposed residential curtilage would be the same size as the combined area of the two existing residential curtilages. Those would revert to woodland and water meadow respectively, both to be shown as not residential curtilage. This could amount to VSCs justifying the different siting of the new house. The different siting also does allow it to be set further from the road and some intervening new woodland to be planted, which in the long term could provide some screening.
- 6.11 The layout of the proposed dwelling and associated garage and stables has been amended during the course of the application. The proposed garages and stables have been moved further away from the proposed dwellinghouse. Whilst I note the concerns of the Parish Council, I am of the opinion that this assists in dissipating the bulk of the proposal.
- 6.12 The actual area of the application site is approximately 0.8ha (2 acres). However, the applicant owns approximately 8 ha (20 acres) of land. The applicant has put together a land management plan which comprises flood relief adjustment to the topography of the site, including irrigation and the creation of a catchment pond. Significant planting is proposed across the site. This land management plan is set out in more detail within the applicant’s submission. The site lies within Flood Zone 1 – an area considered to be at low risk of flooding. Technical guidance to the National Planning Policy Framework states that within Flood Zone 1 all uses of land are appropriate. The Council’s Principal Engineer has visited the site and considered the issues raised with respect to flooding. He is of the opinion that the

2 bed bungalow can be built on the position as approved under TM/08/01047/FL. In light of this, I do not consider that any concerns over the water regime contribute to a case of VSCs.

- 6.13 The existing house in situ has a ridge height of between 7 and 7.5m. The approved replacement 5 bed house would measure a maximum height of 8.5m above ground level. Whilst the ground level of the siting of the proposed dwelling is relatively high, the applicant is proposing to dig down, showing a slab level of 40cm below the slab level of the house in situ. The proposed dwelling would measure a maximum height of 9.7m above ground level, a difference of 2.89m above the existing house.
- 6.14 The applicant suggests that potential enlargement by permitted development rights in respect of extensions to the existing dwelling in situ should not be ignored: they suggest potential permitted development rights of between 350-400m³. My calculations correspond with this. Should Members consider this be taken into account, the new single house would still would remain materially larger in size than the unbuilt bungalow, existing house and theoretical permitted development rights.
- 6.15 The existing house in situ is a utilitarian, bland mid 20th Century building that is of little architectural merit. The approved 2 bed bungalow is low rise and relatively small, reflecting that it is a replacement of a dwelling that arose from the conversion of a chicken shed.
- 6.16 The design of the proposed dwelling is based upon Palladian architecture. Shipbourne is a settlement characterised by dwellings that do indeed vary in terms of size, form and architectural style. The dwelling would be seen in isolation, being a considerable distance away from its neighbours. In this context, I am of the opinion that a building of different architectural style would not necessarily be out of keeping with the surrounding locality. Indeed, in this section of Puttenden Road, development is sporadic with much separation between dwellings, such that they are generally seen in isolation when viewed from the road, and also differ in terms of form and external appearance.
- 6.17 The design of the proposed stable building has been amended during the course of the application. The proposed building would be a weather-boarded construction, with a slate roof. This, to some extent, has reduced the formality of the building and assisted in visually setting it apart from the proposed dwelling.
- 6.18 It is proposed to close off the access to the north of the site and it is proposed to retain the existing access, which currently serves the house in situ. The new house proposed in this application would be accessed by a long driveway and there is plenty of parking and turning space within the site to serve the proposed dwelling.

- 6.19 I note the PC comments relating to the visual impact of the proposed driveway. However, I am of the opinion that the loss of one access and associated parking/turning areas will provide satisfactory mitigation. Also, a condition could require surfacing treatment to be submitted for approval as part of the landscaping scheme.
- 6.20 The proposed dwelling would be sited away from any neighbouring residential dwellings, and I am therefore of the opinion that the proposal complies with Policy CP24 of the TMBCS and Saved Policy P4/12 of the TMBLP.
- 6.21 I note the comments from the DHH regarding affordable housing. However, whilst the site area triggers the need for affordable housing as part of this development, this application is effectively a two for one replacement and relates to only one house. Due to this, I do not consider that this is a suitable scheme to require an element of affordable housing. The request for one unit to be affordable would be in excess of what policy CP17 requires.
- 6.22 I note the Parish Council's comments requiring an agricultural occupancy condition to be attached to any planning permission. Conditions were imposed in association with the planning permissions for the smallholder's dwelling (MK/4/61/644) or bungalow for fruitman (MK/4/62/491), but these have been superseded by TM/08/01047/FL which does not include an agricultural occupancy condition. This consent has started to be implemented by the digging of trenches for the bungalow.
- 6.23 On balance, I am of the opinion that the proposed dwelling would be sited outside of the existing residential curtilages and would be significantly larger than the combined volume of the dwellings that it is proposed to replace. However, Members may agree that the proposal will not have a detrimental impact upon the amenities/openness of the Metropolitan Green Belt as a result of its proposed siting being more remote from the road with intervening landscaping, the replacement of two dwellings with one and the lowering of the existing ground levels to accommodate the proposed dwelling. There is a complex proposal entailing consideration of a number of disparate elements that may, to differing extents, contribute to a case of very special circumstances. There is clearly a balance to be struck in judging the weight to be afforded to each of these elements. Nevertheless, on balance, I consider the proposal to be acceptable.

7. Recommendation:

- 7.1 **Grant Planning Permission** as detailed by Letter dated 07.06.2012, Letter dated 08.06.2012, Planning Statement dated 15.06.2012, Design and Access Statement dated 08.06.2012, Site Survey 07012-SV-01 dated 08.06.2012, Site Survey dated 08.06.2012, Email dated 13.06.2012, Letter dated 24.08.2012, Letter dated 23.08.2012, Photographs dated 23.08.2012, Other dated 23.08.2012, Planning Statement dated 30.10.2012, Proposed Floor Plans 07012 P 01 b dated 16.10.2012, Proposed Floor Plans 07012 P 02 c dated

16.10.2012, Proposed Elevations 07012 P 04 c dated 16.10.2012, Proposed Elevations 07012 P 05 c dated 16.10.2012, Proposed Elevations 07012 P 06 c dated 16.10.2012, Proposed Elevations 07012 P 07 c dated 16.10.2012, Proposed Elevations 07012 P 08 c dated 08.10.2012, Site Plan 07012 P 11 b dated 16.10.2012, Plan 07012 P 12 dated 16.10.2012, Proposed Elevations 07012 P 13 dated 16.10.2012, Floor Plan 07012 P 14 a dated 07.11.2012, Proposed Elevations 07012 P 15 b dated 07.11.2012, Site Plan 07012 P 10 h dated 30.10.2012, 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. No development shall take place until written details and photographs of all materials to be used externally in the construction of the dwelling have been submitted to and approved by the Local Planning Authority and samples of the materials shall be made available at the site for inspection by Officers of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character of the existing building in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy, Policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document and paragraphs 57, 58 and 61 of the National Planning Policy Framework (2012).

3. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of 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: To ensure that the development does not harm the character of the existing building in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy, Policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document and paragraphs 57, 58 and 61 of the National Planning Policy Framework (2012).

4. 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: To ensure no adverse impact upon highway safety resulting from potentially hazardous on-street parking, in accordance with Section 2 of Policy SQ8 of the Managing Development and the Environment Development Plan Document 2010.

5. The garage shown on the submitted plan shall be kept available at all times for the parking of private motor vehicles.

Reason: To ensure no adverse impact upon highway safety resulting from potentially hazardous on-street parking, in accordance with Section 2 of Policy SQ8 of the Managing Development and the Environment Development Plan Document 2010.

6. The work shall be carried out in strict accordance with the details of slab levels hereby approved.

Reason: To ensure that the development does not harm the character of the area in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy, Policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document and paragraphs 57, 58, 61 and 137 of the National Planning Policy Framework (2012).

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

Reason: In order to enable the Local Planning Authority to regulate and control further development within this site in the interests of the environment.

8. Prior to the commencement of development, details of a scheme to demonstrate that the development hereby approved will incorporate appropriate measures to contribute to a sustainable environment shall be submitted to the Local Planning Authority for approval. The scheme shall include measures to minimise waste generation, and to minimise water and energy consumption, having regard to the need for 10% of energy consumption requirements to be generated on-site from alternative energy sources and the potential for recycling water. The approved scheme be implemented prior to the first occupation of any of the units hereby approved.

Reason: In accordance with Policy CP1 of the Tonbridge and Malling Borough Core Strategy, Policy CC1 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document and paragraph 17 of the National Planning Policy Framework (2012).

- 9 This permission shall be an alternative to TM/08/01047/FL (granted on 22.07.2008), TM/11/00977/FLX (granted on 07.06.2011) and TM/11/01080/NMA (granted on 19.05.2011) and shall not be exercised in addition thereto or in combination therewith.

Reason: The exercise of more than one permission would result in an overintensive use of the land and therefore be contrary to policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

- 10 The existing dwelling, garage and non residential buildings shown to be demolished on plan 07012 P10 Rev H shall be demolished within one month of the first occupation of the new dwelling hereby permitted, if not demolished previously, and all arisings therefrom shall be removed from the site.

Reason: The erection of an additional dwelling would result in an overintensive use of the land and therefore be contrary to paragraph 89 of the National Planning Policy Framework and policy CP3 and policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

- 11 The hereby approved stables shall be used for equestrian use only.

Reason: To safeguard the rural amenity of the locality in accordance with paragraph 89 of the National Planning Policy Framework and Policy CP3 and CP14 of the Tonbridge and Malling Borough Core Strategy 2007 and Policy SQ1 of the Tonbridge and Malling Borough Managing Development and Environment DPD 2010.

- 12 The residential curtilage of the hereby approved dwelling shall be implemented in accordance with that shown on Plan no 07012 P 10H.

Reason: In the interests of the rural amenity of the surrounding locality, in accordance with paragraph 89 of the National Planning Policy Framework and Policy CP3 and CP14 of the Tonbridge and Malling Borough Core Strategy 2007 and Policy SQ1 of the Tonbridge and Malling Borough Managing Development and Environment DPD 2010.

Informatives

1. 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 Street Naming & Numbering,

Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to nameandnumbering@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.

Contact: Glenda Egerton