
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 Members will recall this application was initially reported to the 12 December meeting, when the Committee, after a detailed debate, resolved to refuse planning permission contrary to the Recommendation.
- 1.2 The Committee will recall that after a debate it Resolved that it would not support the application and would refuse the application on the following grounds:
 - *The site lies in the Green Belt. The proposed dwelling by reason of its overall bulk is materially larger than the dwelling being replaced and is harmful by reason of being inappropriate development in the Green Belt and by a detrimental impact on the openness and amenities of the Green Belt. The proposal is contrary to paragraphs 88 and 89 of the National Planning Policy Framework 2012 and policies CP3 and CP14 of the Tonbridge and Malling Borough Core Strategy 2007. There is not considered to be a case of “very special circumstances” in justification of the inappropriateness.*
 - *The site lies in the Green Belt. The proposed quadruple garage is harmful by reason of being inappropriate development in the Green Belt and by a detrimental impact on the openness and amenities of the Green Belt. The proposal is contrary to paragraphs 88 and 89 of the National Planning Policy Framework 2012 and policies CP3 and CP14 of the Tonbridge and Malling Borough Core Strategy 2007. There is not considered to be a case of “very special circumstances” in justification of the inappropriateness.*
- 1.3 Following the Committee meeting the Council received a letter from the applicant’s agent raising, amongst other things, the suggestion that the applicant having registered to speak waived that right, having formed an impression he was “advised not to speak”. That letter also made comment on the content of the report in a number of respects. Subsequently the applicant also wrote on similar lines.
- 1.4 As the Decision Notice had not been issued at the time of receiving these letters, it was concluded that in the interests of natural justice, bearing in mind that the applicant felt that he had been invited to not speak, it would be appropriate to report the application back to the Committee. I should stress that no evidence has

been found to suggest that the applicant was advised to not speak but that appears to clearly be his perception. Equally, I am content that the report to the Committee was sound and that the appropriate material considerations were before Members for consideration, although the applicant takes a different view as explained below.

- 1.5 A copy of each of the letters received are attached as an Annex as is my previous report and I set out below my comments to the points raised in the two letters.
- 1.6 The Committee will now wish to consider whether to follow its original decision in light of the applicant's comments.

2. The letters:

- 2.1 The applicant has set out in their letters volume calculations of both of the existing/demolished and proposed dwellings. The applicant has taken account of the two existing farm style buildings to be demolished in the volume calculations. It is the view of the applicant and agent that they consider that this proposal is compliant with MGB policy because "we are well under the policy of 50% in what we propose in purely residential terms to that on which planning exists." It would appear that this suggests that the view is taken that an increase in 50% in volume is policy compliant. I must advise Members that it is not the case. Of course it does not automatically follow that such an increase is not acceptable – that can only be judged in the context of the scheme as a whole – but the proposal is not policy compliant. The policy in NPPF relating to the definition of acceptable replacement buildings in the Green Belt reads "the replacement of a building, *provided the building is in the same use* and not materially larger than the one it replaces" (my emphasis).
- 2.2 In the calculations submitted within the applicant's letter, he challenges the calculations within my report. The applicant's original calculations do not take into account the extant planning permission (demolition of 2 dwellings, and their replacement by a five bedroom dwelling, detached double garage and a two bedroom bungalow), permitted by TM/08/01047/FL, renewed by TM/11/00977/FLX and then amended by TM/11/01080/NMA. My calculations showed that there would be an increase of 56% in terms of the dwelling volumes between the combined volumes of the foregone dwellings (1441m³, excluding approved garage, which my calculations show to be around 142m³) and the now proposed dwelling 2250m³ (applicant's latest calculation is 1960m³). The situation is compounded if the proposed garaging is also factored in at some 593m³ (my calculations). Even taking the applicants figures the increase in volume on like for like uses is 61%. It should also be pointed out that in terms of MGB policy, it is far from clear that a "committed" but not yet built dwelling should be treated as an existing dwelling, although its potential to be built will form part of the overall balance of policy considerations and very special circumstances – see below.

- 2.3 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. The applicant claims that these farm buildings were used in association with an industrial use for over 20 years prior to the applicant's occupation. 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). There has been no lawful determination relating to the overall use of the buildings but, nonetheless, they are not, in my opinion, necessarily alien structures, in terms of their design, within the countryside. 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. In this case the stabling element of the building may reasonably be "traded-off" against the new proposed stable (some 190m³).
- 2.4 So, assessment of this case requires a recognition that the principle of a replacement dwelling could be policy compliant but also that where the replacement is materially larger than that to be replaced this would, on the detail, not be policy compliant. In addition it has to be considered whether there are very special circumstances arising with respect to the removal of the agricultural/stabling/storage buildings such as to be of such benefit as to justify the grant of permission. On the balance of these factors I recommended to the Committee that the benefits of demolition outweighed other factors and so recommended permission. In the event, and after its debate, the Committee felt that the balance should be assessed differently and thus reached the view set out in paragraph 1.2 above
- 2.5 In respect of the points raised in the agent's letter my response is:
- The plan included with the agenda is to aid understanding of the location of the site and is not intended to be a definitive site plan.
 - All plans, indeed the whole of the application, are available both on the website, in hard copy at the Council Offices and after 7 00pm on the night of the meeting for Members' inspection. The PowerPoint is not intended to display all plans but is, rather, simply a visual aid.
 - I do not accept this assertion with regard to volume calculations and application of policy for the reasons identified above.
 - While the scheme may have been the subject of negotiation with officers the ultimate decision is one for the Committee to make.
 - In light of some apparent confusion on the matter of speaking at Committee the case has been reported back to Members.

2.6 In light of all the above factors there is nothing in the latest material from the applicant or their agent that would lead me to question the Committee's Decision.

3. Recommendation:

3.1 **Permission Be Refused** for the reasons set out in paragraph 1.2 above.