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

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## 1. Description:

- 1.1 Members will recall that this application was initially reported to the 12 December 2012 meeting, when the Committee, after a detailed debate, resolved to refuse planning permission contrary to the Recommendation.
- 1.2 The Committee resolved that it 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 applicants’ 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 Copies of each of the letters received are attached as an Annex, as are my previous reports. These letters were considered in my report to Area 2 Committee on 23 January 2013.
- 1.6 Between the publication of the Agenda and that Committee meeting amended plans were received from the applicant. In the light of this further change in circumstances it was agreed that the application be withdrawn from the agenda of the January meeting to allow reconsultation to be carried out. The amended plans amend the proposal by:
  - Altering the location of the proposed garage such that it is to be situated at right angles to the proposed dwelling, rather than opposite;
  - Altering the size of the proposed garage from a quadruple garage with drive through (16.6m x 6.7m) to a triple garage (9.6m x 6.9m), and reduced in height from 6.3m to 6m;
  - Removing the stable building from the application;
  - Raising the slab level of the proposed dwelling from 45.4 to 46.4m AOD.

## **2. The Site:**

- 2.1 The site is in the countryside and is located within the Metropolitan Green Belt, on the west side of Puttenden Road.
- 2.2 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 338m<sup>3</sup> and 4120m<sup>3</sup>;
  - Two vehicular accesses (one to the north-east of the site and one to the south-east); and
  - Agricultural paddock land.
- 2.3 The site of the proposed dwelling lies outside any established or extant residential curtilage, on the agricultural paddock land.



**4. Consultees:**

- 4.1 PC: No objections, but concern over height of the proposed chimneys and courtyard wall and would like to see these reduced;
- 4.2 Private Reps 2/1S/0X/0R + Art 13 Site & Press. One letter of support:
- The proposed house is well designed and built to a high specification. Would complement the other houses in Puttenden Road and fit in well to its surroundings;
  - The new dwelling would replace an undistinguished bungalow of no architectural merit;
  - Welcomes the proposal to remove two agricultural buildings which are in a poor state of repair, and to restore the land which has been neglected in recent years.

**5. Determining Issues:**

- 5.1 Prior to the submission of amended plans, the agent, set out in letters, volume calculations of both the existing/ demolished and proposed dwelling. *These calculations were made prior to the submission of the amended plans.* The agent has taken account of the two existing farm style buildings in these 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 proposed 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% 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 it is clearly a fact that 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).
- 5.2 The detailed considerations in relation to the letter received from the applicant’s agent following the 12 December committee meeting are set out in my Committee Report of 23 January 2013, attached as an Annex to this report.
- 5.3 The reduction in size of the proposed garage and the removal of a stable building from the proposal assist in reducing the overall scale of the development and I am of the opinion that this addresses the second reason for refusal previously agreed by Members.

- 5.4 Whilst the height of the proposed dwelling remains the same, the slab level has been raised from 45.4 to 46.4. This would therefore raise the overall height of the proposed dwelling in relation to the surrounding locality by 1m. This does not appear to overcome Member's previous concerns relating to the overall height of the proposal, and its impact upon the Metropolitan Green Belt. As such, the first reason for refusal that Members previously identified does not appear to have been overcome, and has actually exacerbated the matter of concern. On this basis, the proposal is at least if not more unacceptable in relation to scheme judged unacceptable by the Committee in terms of 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 this "inappropriateness" and at the time of drafting this report no justification has been advanced for the increase in slab level.
- 5.5 There is nothing within the letters received from the applicants or their agent since December 2012 and January 2013 that would lead me to question the earlier resolution to refuse permission Members must now consider whether the proposed changes are sufficient to overcome their previous concerns in relation to the application. From the analysis above the Committee will see that while I consider that one area of concern has been adequately addressed the other has not.

## **6. Recommendation:**

### **6.1 Refuse Planning Permission for the following:**

#### **Reasons**

1. 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.

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