

**Shipbourne**                      **560704 151520**    **15 June 2012**                      **TM/12/01819/FL**  
Borough Green And  
Long Mill

Proposal:                      Demolition of 1 no. dwelling and construction of 1 no. four  
   bedroom dwelling and triple garage  
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, where the Committee, after a detailed debate, resolved to refuse planning permission contrary to my 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 reports to Committee of 12 December 2012 and 23 January 2013. These letters were considered in my report to Area 2 Committee on 23 January 2013. Also contained in the Annex is my report to Committee on 17 April 2013.

1.6 Between the publication of the Agenda and the 23 January 2013 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 revised 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 reducing the 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.

1.7 Following this, between the publication of the Agenda and the 17 April 2013 Committee meeting, more 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 April meeting to allow further reconsultations to be carried out. The amended plans revise the proposal by:

- Reducing the width of the main part of the proposed dwelling by 500mm;
- Reducing the height and width of the proposed wings to the dwelling by 2m and 2.4m respectively;

The above two changes would reduce the overall width of the dwelling by 5.3m

- Reducing the height of the chimneys by 900mm;
- Reducing the roof pitch and ridge height by 150mm;
- Reducing the floor slab level (from slab level considered by Members at the December meeting) by 1.15m;

- Lowering the ground level (from the ground level considered by Members at the December meeting) by 1m.

1.8 Following the period of reconsultation, the applicant has submitted a revised plan of the proposed courtyard wall, lowering the height to 2m.

## **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.

2.4 The topography of the site rises to the south and west.

## **3. 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)

TM/13/00102/FL      Approved      8 May 2013

Reduce/re-grade the ground levels on part of the field to the West and South of the existing dwelling resulting in the creation of a low cliff face, the creation of a new pond to the West of the existing dwelling and erection of a poly tunnel on the land to the north of the existing dwelling

**4. Consultees (further comments received since the April Committee report):**

- 4.1 PC: No objections, however still concerned about height of the courtyard wall.
- 4.2 EA: No additional comments.
- 4.3 KCC (Highways): No objection.
- 4.4 Private Reps 2/1S/0X/0R + Art 13 Site & Press. No additional letters received.

**5. Determining Issues:**

- 5.1 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.

- 5.2 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.
- 5.3 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.
- 5.4 Policy CP14 accepts the one-for-one replacement of an existing building 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.
- 5.5 Policy SQ1 of the MDE DPD requires proposals to reflect the local distinctiveness.
- 5.6 Notwithstanding that the proposed dwelling is a large house in the countryside, the amendments reduce the overall width of the proposed dwelling by 5.3m which, as a result, has reduced the footprint of the proposal. The height of the proposed building has been reduced by 150mm, the height of the chimneys reduced, the slab level reduced by 1.15m and the lower ground level reduced by 1m when compared with the plans considered by Members of the December meeting.
- 5.7 The bulk of the overall scheme, which Members originally considered, has been reduced by the removal of the stable building, the reduction of the scale of the garage building to a triple garage, and the significant reduction in scale and the lowering in ground level of the proposed dwelling as a result of revising the form of the dwelling.
- 5.8 It is noted that local residents and the Parish Council feel that the proposal is acceptable in its own right.
- 5.9 In light of the Parish Council's concerns about the height of the proposed courtyard wall, the applicant has reduced the height of the wall to be 2m in height. This corresponds with "permitted development" rights under Class A, Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
- 5.10 Members' concerns in seeking to resist the original scheme are set out in 1.2 above. Given the significant changes and reduction in scale of the overall scheme, Members may consider that their aspirations have now been met by the current proposal.

5.11 On balance, therefore, in light of the above, I recommend that the application be approved.

**6. Recommendation:**

6.1 **Grant Planning Permission** in accordance with the following submitted details: 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, Topographical 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 ADDENDUM dated 30.10.2012, Site Plan 07012-P-10 M dated 13.05.2013, Proposed Elevations 07012-P-22 A dated 12.04.2013, Email dated 12.04.2013, Proposed Plans and Elevations 07012-P-21 A dated 12.04.2013, Email dated 13.05.2013, Site Plan 07012-P-23 A dated 08.02.2013, Floor Plans And Elevations 07012-P-23 A dated 12.04.2013, Email dated 22.05.2013 subject to:

**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 surrounding locality 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 work shall be carried out in strict accordance with the details of slab, eaves and ridge 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).

- 5 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.

- 6 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).

- 7 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.

- 8 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.

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

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@tmhc.gov.uk](mailto:nameandnumbering@tmhc.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