
Report of 22 September 2005

Snodland Snodland West	569812 161984	25.07.2005	TM/05/02310/FL
Proposal:	Retention of a prefabricated wooden school classroom for temporary use		
Location:	Woodlands Farm Paddlesworth Road Snodland Kent ME6 5DP		
Applicant:	CJ And TA Duffy		

1. Description:

- 1.1 This is a retrospective application for the retention of a prefabricated wooden school classroom for a temporary period, anticipated to be in use for the academic year commencing in September 2005. It is positioned to the north west of the main building which falls within the urban confines of Snodland. The building measures approximately 7.4m x 9.5m with a height of 3.9m. It has full size clear glass windows and doors on the western and eastern elevations and high level windows on the north side.
- 1.2 In support of the development it is stated that "*Woodlands Farm is run by Symbol Family Support Services and offers residential assessment, education and training for families and children with special needs and communication disorders. This service occupies the main building and a barn annexe and is registered with the commission for Social Care Inspection*".
- 1.3 The original planning permission at Woodlands Farm related to the provision of a secure base for the assessment of parents with learning difficulties and secondarily to provide support and provide training for their eventual return to the community. In effect, Woodlands Farm is a residential centre for families with learning disabilities. The current application seeks to provide education for children with learning difficulties living at Woodlands Farm, as there are "no other educational places available".

2. The Site:

- 2.1 Woodlands Farm is a large grade 2 * listed building dating from the early fifteenth century with later additions. It is set on the north side of the road within the confines of Snodland. Immediately to the west is a newly constructed residential development known as Hegarty Court. Vehicle access is via an entrance on the western side of the site.
- 2.2 Relevant policies include P4/1 (affecting a listed building) and P4/11 (general standards).

3. Planning History:

- 3.1 TM/03/03078/FL Approved 15.12.2003
Change of use from residential to care home assessment centre. (NB: The specific uses authorised under this consent included the assessment of parents with learning difficulties and provision of support and training for return to community. The use was restricted to a maximum of 6 clients and their children and 2 resident staff. A permanent permission was granted).

4. Consultees:

- 4.1 PC: Strenuously object as consider building to be an eyesore, compromising the setting of the listed building. The proposal is thought to be detrimental to the amenity of neighbouring owners in this high quality neighbourhood. Request refusal and urge early demolition.
- 4.2 KCC (Highways): Notes that a detailed parking layout is not provided but following a site inspection considers suitable off street parking is available. Supports temporary use. Applicant to be reminded of need to trim boundary hedging to maintain safe visibility at the site entrance.
- 4.3 Drainage Engineer: Requested further information about water containment unit. It has been indicated that rain water would be collected and re-cycled back to planting areas of school by means of gravity drain pipework. .
- 4.4 DHH: No objections.
- 4.5 KCC Social Services: No response received at the time of preparing the report.
- 4.6 Private Reps: Letters received from 3 addresses and strong objections raised. Concerns expressed about:
- Unplanned construction without necessary consent.
 - Prominent feature and harm to listed building.
 - Harm to environment through visual intrusion.
 - Loss of amenity for neighbours due to overlooking.
 - Potential noise during use as classroom.
 - Light pollution from strip lighting.
 - Potential water contamination from toilets within building.
 - Request for enforcement action.

5. Determining Issues:

- 5.1 The main issues are whether the temporary siting of the classroom building is acceptable in this location having regard to the setting of the listed building, the character of the area and the relationship with nearby properties.
- 5.2 The structure has, unfortunately, been erected without the benefit of planning consent. Such an arrangement is never ideal from a planning point of view and is not encouraged by the Planning Services. The Local Planning Authority has however followed adopted procedures in investigating and inviting a planning application and must determine the submission in the standard way. While this is a concern to some local residents, this is the approach encouraged in Government advice, when dealing with retrospective applications.
- 5.3 The application under consideration is to retain the classroom for school purposes for 6 children. Having considered the consent for the original use of the property it appears that an overt educational use was not included in the description of development.
- 5.4 With regard to the introduction of the building in close proximity to a grade 2* listed building, policy 4/1 states that proposals which would adversely affect the setting of a listed building will not be permitted. It could be argued that the setting of the listed building has already been compromised to an extent by the new residential development to the west.
- 5.5 The introduction of this temporary style building of the size shown in such close proximity to a listed building undoubtedly has an impact on its setting and character. In my view the structure does not have a satisfactory relationship with the listed building and does not respect its setting or historic character. When the adjoining residential development was under consideration care was taken to respect the setting of Woodlands Farm. This included the retention of an open garden area between the new houses to the west and Paddlesworth Road in order to maintain some separation and respect the setting of the farmhouse. The introduction of a timber clad classroom building so close to the historical farm building is an unfortunate addition and not one that would have been encouraged had the applicants sought informal advice prior to carrying out the development. Whilst the classroom has been reclad since it was first erected on the site, it still harms the setting of the Listed Building.
- 5.6 In addition to the particular harm that the classroom has on the listed building it also has an effect on the general character of the area and the Paddlesworth Road street scene. The classroom can be clearly seen from this road and can be glimpsed from other directions. In my view it does not enhance the character of the street scene or the nature of the new residential development.

5.7 The impact of the classroom on the residential amenities of neighbours has been given careful consideration and a visit made to adjacent properties to fully assess the situation. It has been concluded that the house to the west (9 Hegarty Court) is affected by the slightly elevated siting of the classroom which results in overlooking towards this property from full size windows in the west elevation which face directly towards number 9. This results in a noticeable loss of privacy and outlook. The perception of being overlooked when the classroom is in use is considered to be at an unacceptable level, detrimental to the residential amenities that the occupants would expect to enjoy.

The structure also has an impact on the occupants of 8 Hegarty Court to the north. Whilst overlooking is not an issue from this elevation, where there are only high level windows, the proximity and associated use could harm the residential amenity through noise disturbance. The classroom is in close proximity from the garden area to the rear of No.8. The use of the classroom for general schooling purposes could have a harmful effect by reason of the activities of the children and associated noise levels, however, the DHH raise no objection

5.8 Whilst the community service provided special educational needs are fully acknowledged, I do not consider that these circumstances are sufficient to outweigh the harm to the setting of the Listed Building and the loss of privacy and impact to the neighbouring residential property.

5.9 In light of the above considerations, I am unable to support this proposal and recommend refusal. Given that this is a retrospective application, it is also necessary to consider enforcement action to seek its removal.

6. Recommendation:

6.1 **Refuse Planning Permission** as outlined in the details received 25.07.2005 for the following reasons:

- 1 The development, by reason of the close proximity to the listed building, style and appearance is harmful to the historic character and setting of the adjoining grade 2* listed building. This conflicts with Policy P4/1 of the Tonbridge and Malling Borough Local Plan 1998.
- 2 The proposal involves the creation of a form of development that is harmful to the residential amenities enjoyed by the occupants of the adjacent properties by reason of overlooking and loss of privacy.. This conflicts with Policy P4/11 of the Tonbridge and Malling Borough Local Plan 1998.

6.2 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 amend 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 erection of a prefabricated wooden school classroom.

Reasons For Issuing The Notice

It would appear to this Authority that the above breach of planning control has occurred within the last four years. The development, by reason of the close proximity to the listed building, temporary style and inappropriate appearance of the classroom building is harmful to the historic character and setting of the adjoining grade 2* listed building. This conflicts with policy P4/1 of the Tonbridge and Malling Borough Local Plan. The proposal involves the creation of an undesirable form of development harmful to the residential amenities enjoyed by the occupants of the adjacent properties by reason of overlooking and loss of privacy and associated noise and disturbance. This conflicts with policy P4/11 of the Tonbridge and Malling Borough Local Plan. The reason for taking enforcement action is to remedy the injury to amenity caused by the unauthorised development.

Requirement

To permanently remove the prefabricated wooden schoolroom from the site.

Period For Compliance

One calendar month from the date the notice takes effect.

6.3 Further Proceedings

In the event of the Enforcement Notice not being complied with and subject to satisfactory evidence, the Chief Solicitor **be authorised** to commence any proceedings which may be necessary under Section 179 of the Town and Country Planning Act 1990 (as amended) to secure compliance with the Enforcement Notice.

Contact: Hilary Johnson