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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 Members will recall that this application was considered at the committee meeting on 22nd September 2005 where it was deferred for a Members site visit (DPE pages 29-34). The site inspection was scheduled for 13th October. A copy of the report to the September meeting is attached at Annex 1.

2. Consultees (further comments following the drafting of the original report as shown on the supplementary report):

2.1 Private Representations: Two additional letters have been received from neighbours, raising comments about noise, disturbance, overlooking and parking problems. These are attached at Annex 1.

2.2 DPT: The applicant submitted a detailed letter of support which was attached to the supplementary report. It is understood that the applicant previously circulated this letter to Committee Members. The letter detailed the applicants special concerns and the educational needs of the 5 children now using the classroom building.

2.3 The supporting letter states that the applicant received pre-application advice from a duty planning officer, who it is claimed advised that a planning application would not be required for the structure. However, there is no evidence of any pre-application discussions taking place. At no time prior to the submission of the letter did the applicant state that he was previously advised that a planning application was not required by a planning officer.

2.4 The applicant considers it is not possible to see into the garden of number 9 Hegarty Court from the classroom, however the loss of privacy relates to the direct overlooking of windows, particularly the first floor windows at number 9 Hegarty Court, which lie only approximately 15m away.

2.5 The applicant also considers that the setting of Woodlands Farm needs to be taken in the light of the recent housing development immediately to the west. The applicant states that " The setting does not appear to emulate any particular style associated with the Farm, thus in our opinion there is no particular pattern to follow". The Woodlands Farm housing development was designed to minimise the

impact on the setting of the listed farmhouse, by creating a large open space along the frontage with Paddlesworth Road. In my view, the timber clad building is located in a position to the detriment of the setting of the listed farmhouse.

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 4 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.
- 5.10 Any matters arising from the Members Site Inspection will be reported in the supplementary report.

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