

TONBRIDGE & MALLING BOROUGH COUNCIL

AREA 3 PLANNING COMMITTEE

22 June 2006

Report of the Chief Solicitor

Part 1- Public

Matters for Information

2 PLANNING APPEAL DECISIONS

2.1 Site **5 Premier Parade, Aylesford**
Appeal **Appeal against refusal of planning permission for change of use from A1 (shops) to A5 (hot food takeaway).**
Appellant **Premier Stores UK**
Decision **Appeal dismissed**
Background papers file: PA/32/05

Contact: Cliff Cochrane
01732 876038

- 2.1.1 The Inspector considered that the main issue was the impact of the proposed development on the function of the shopping parade as a centre to meet the day-to-day needs of local residents.
- 2.1.2 The Inspector said that planning policy encourages a range of facilities and shops within local centres and that the proposal would reduce the number of retail shops in the parade to one. He considered that the proposal would result in hot food takeaway uses being unduly dominant in the parade, which would unacceptably reduce the variety of shops available to meet local needs.
- 2.1.3 He was also concerned that the lack of variety of shops would reduce the number of customers visiting the parade during the day and that this would have a detrimental effect on the vitality and viability of the existing centre. Local residents had indicated that there was a need for other types of shop and, while the appellant had suggested that the proposed use would have been better than a vacant unit, the Inspector had seen no significant evidence that there was not a viable use for the unit within terms of the current planning permission.
- 2.1.4 The advice in PPS6 was that it is important to ensure that there is a range of facilities in local centres to meet peoples' day-to-day needs. This required an appropriate balance to be struck between the number of A1 retail and other uses.
- 2.1.5 The Inspector concluded that the proposal would conflict with the aims of national guidance and would harm the function of the shopping parade as a centre to meet the day-to-day needs of local residents.

2.1.6 He also concluded that it was likely that the additional volume of vehicle movements would result in increased noise and disturbance arising from car doors closing, engines starting, vehicles manoeuvring and conversation that would detract from the living conditions of local residents, in particular those living on the first floor of the parade.-

2.2 Site **Rosie's Garden Plants, Rochester Road, Aylesford**
 Appeal **Against the refusal of permission for the temporary stationing of a mobile home for a horticultural worker**

Appellant **Miss J Aviolet**

Decision **Appeal dismissed**

Background papers file: PA/35/05

Contact: Cliff Cochrane
 01732 876038

- 2.2.1 The proposal was to erect a mobile home to enable better management and control of the business than is possible from the appellant's home, approximately one mile away. The appellant wished to be present at all times in order to ensure the security of the premises from intruders and animals, to take immediate action if the heating system breaks down, to provide accommodation for temporary workers during temporary absences at trade shows and to enable office work to be carried out on site.
- 2.2.2 PPS7 indicates that isolated new dwellings in the countryside require special justification. This includes a requirement that there should be a clearly established functional need, and that the concern should be financially sound, with a clear prospect of remaining so. The Local Plan contains similar provisions in Policy P6/8.
- 2.2.3 Financial returns and projections for the business had been provided covering the years to March 2002 and 2003, when net profits were £410 and £2,536 respectively. Projections for the years to March 2006, 2007 and 2008 indicated annual net profit rising to £21,926 at the end of this period. The Council's consultant had noted that the absence of figures for 2004 and 2005 made it difficult to establish the current financial state of the business. He went on to question the realism of the projections, noting, amongst other matters, that there was inadequate explanation for a significant rise in sales but a fall in direct costs, no reference to depreciation, finance costs or loan interest, or to staff costs, and insufficient allowance had been made for additional capital investment, including the proposed mobile home.
- 2.2.4 The Inspector was not persuaded by the information provided or by his visit to the site that there was clear evidence that the enterprise has been planned on a sound financial basis, to accord with PPS7 and LP Policy P6/8.
- 2.2.5 Although there were a number of buildings on neighbouring properties, this was a rural location and the site fell within a Local Plan designation of a Special Landscape Area. The mobile home would be on rising ground and would be partially visible from adjoining land, and from the road, particularly when approached from the north east. The Inspector considered that it may be possible to conceal the building by the growth of landscaping, although he did not have

details to show that this could be achieved within the currency of a temporary permission, and it was likely that the domestic occupation would be apparent from the nature of the curtilage and the activity surrounding it. As such, he considered that the proposal would fail to conserve and enhance the natural beauty of the landscape, as required by LP Policy P3/6...

2.3 Site
Appeal
Appellant
Decision
Background papers file: PA/32/05

Contact: Cliff Cochrane
01732 876038

Duncan Robinson
Chief Solicitor