

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**AREA 3 PLANNING COMMITTEE**

**24 August 2006**

**Report of the Chief Solicitor**

**Part 1- Public**

**Matters for Information**

**1 PLANNING APPEAL DECISIONS**

1.1 Site **Woodlands Farm, Paddlesworth Road, Snodland**  
Appeal **Appeal against an enforcement notice issued by the Council alleging a breach of planning control, namely without planning permission the erection of a prefabricated wooden school classroom**

Appellant **Mr & Mrs C Duffy**

Decision **Appeal dismissed and enforcement notice upheld subject to a variation of the period for compliance to 12 months.**

Background papers file: PA/05/06

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1.1.1 The Inspector considered the main issues to be, first, the effect of the classroom on the character and setting of the adjoining Grade II listed building and, secondly, its visual effect on the amenities of nearby residents.

1.1.2 The appellants said that any concerns about locating a school building in the gardens of a listed building take no account of three factors. These were first, that the classroom was a temporary building in a playground area with no long term impact; secondly, that views of the listed building had already been compromised by the neighbouring development and, thirdly, that the building was set back some way from the road and can only be observed at an acute angle.

1.1.3 The Inspector considered that the classroom failed to reflect the characteristics of the listed building in almost every way. Its style and the materials used were alien to those of the main building and its fenestration, that takes up most of the side elevations, is incongruous in the context of the relationship between the two buildings. Although it was located at the rear of the listed building, the classroom block was prominent in views from several places. In the Inspector's judgment the harm to the listed building is not restricted to public viewpoints. In considering whether to grant planning permission for development which affects a listed building or its setting, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The inspector concluded that

in this case the setting of the listed building had not been preserved and it was necessary to remove the classroom.

- 1.1.4 The appellants considered that account should be taken of the special needs of children for whom no alternative educational facilities were available. The school had completed its first term and the appellants were committed to completing the first academic year within the temporary structure. It had always been their aim to remove the structure by the summer recess of 2006 having by then secured an alternative site. In the event the appellants had submitted a planning application for a permanent building on this site to replace the classroom. If permission were to be granted for the new building it could be ready before the end of the next academic year. The appellants indicated that demolition of the present classroom would have to take place outside term time and suggested the Easter holiday 2007.
- 1.1.5 The Inspector considered that the appellants should be allowed time to organise their affairs for the benefit of the children and therefore varied the enforcement notice by extending the period for compliance to 12 months.

## **1.2 Legal Implications**

- 1.2.1 None

## **1.3 Financial and Value for Money Considerations**

- 1.3.1 None

## **1.4 Risk Assessment**

- 1.4.1 Not applicable

**Duncan Robinson**

Chief Solicitor