

**East Malling &  
Larkfield**  
East Malling

**569446 155080 7 October 2009**

**TM/09/01927/FL**

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Proposal: Demolition of existing garage and stables and the erection of new detached house and garage  
Location: Badgers Dell Watringbury Road East Malling West Malling Kent ME19 6JJ  
Applicant: Mr Gary Clark

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**1. Description:**

1.1 Members will recall that this application was deferred from the November 12 Area 3 Planning Committee meeting (copy of the report attached as an annex) for a Members' site inspection. The inspection has been arranged for 10 December 2009 at 08:30 hours.

**2. Consultees** (comments received since the original report):

2.1 PC: Reiterates its previous objections to this application but has no further observations to make over land ownership.

2.2 Private Reps: One letter received in respect of a revised site plan and garage details. The neighbour confirms that the amendments do not seem to alter the situation significantly and his objection still stands.

**3. Determining Issues:**

3.1 The original report attached as an annex sets out the objection in policy terms to this proposal and this position has not changed.

3.2 I am aware that Members have received a number of representations from the applicants explaining the background to the application and providing photographs of the site and the surroundings.

3.3 The majority of the issues raised in this correspondence were addressed in the original report. However it is appropriate to clarify the position regarding permissions at Heath Farm. Permission for 8 no. residential units at the former Luteplayer complex at Heath Farm was approved in principle as part of the phase two permission for Kings Hill, TM/02/03429/OAEA, granted by the Secretary of State following the 3 Sites major Planning Inquiry.

3.4 The application proposed the redevelopment of the former farm complex at a footprint no greater than the original buildings. The works propose four new dwellings and conversion of the existing buildings to create four dwellings. The Secretary of State concluded that this was acceptable in light of Government guidance on developing previously developed land, and also on the basis that the

development would have a lesser impact on the surrounding area than the historic use of the farm and the health complex previously approved, as an appropriate reuse of the then existing buildings. There is therefore no direct comparison between this and the application at Badgers Dell which proposes the replacement of a domestic outbuilding with an additional dwelling.

3.5 In light of the above considerations and those raised in my original report from November 2009 it is considered that there are no exceptional circumstances to justify the development contrary to adopted national and local planning policy and given this objection in principle to the works the application is considered unacceptable.

**4. Recommendation:**

4.1 **Refuse Planning Permission** for the following reasons:

- 1 The site lies outside any settlement confines as defined in the Tonbridge and Malling Local Development Framework and within a countryside area and accordingly there is a strong presumption against permitting new development outside the presently defined extent of urban areas and the present extent of any village, unless the development is directly related to agriculture or other uses appropriate to a rural area. Accordingly, the proposed development is contrary to PPS3, PPS7, and Policy CP14 of the Tonbridge and Malling Local Development Framework Core Strategy 2007.
- 2 The Local Planning Authority does not consider that there is any justification, in the circumstances of the present application, for overriding the planning policy objections.

Contact: Robin Gilbert