

**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. Introduction:**

1.1 Members will recall that this application was deferred from the 17 December Area 3 Planning Committee meeting for a report from DPTL regarding other development in the locality. The previous reports are attached as annexes.

**2. Determining Issues:**

2.1 The previous reports attached as annexes set out the objection in policy terms to this proposal and this position has not changed.

2.2 With regard to development at Heath Farm, the recreational use of the land in general and the conversion and re-use of the former Luteplayer complex to form 8 no. dwellings was approved by the Secretary of State as part of the phase two permission for Kings Hill, TM/02/3429/OAEA. In assessing the development following the three sites major Planning Inquiry the Inspector states that the proposed residential units would occupy no greater footprint than the existing buildings which they would replace. This would be a sensible and appropriate use of these buildings in accordance with PPG7.

2.3 The Inspector concluded that the footprint area of the existing buildings at Heath Farm would not be materially increased in the development. The proposals would retain its openness and character and would add a positive form of land use to the area for the benefit of Kings Hill and the community as a whole. The conclusion goes on to state that the proposals for Heath Farm would have no harmful effects on the character and appearance of the area. The Secretary of State agreed with the Inspectors' assessment in granting planning permission.

2.4 The Heath Farm development accords with the adopted development plan. Since the Inspectors' report PPG7 has been replaced by PPS7, which actively encourages the re-use of existing redundant agricultural buildings within the countryside. PPS7 has recently been replaced in part by the recently published PPS4: Planning for Sustainable Economic Growth. This document relates primarily to the re-use of rural buildings for economic development purposes. The development at Badgers Dell is still covered by the guidance contained in PPS7

which states that Local Planning Authorities should strictly control new house building (including single dwellings) in the countryside, away from established settlements or from areas allocated for housing in development plans.

- 2.5 There is therefore a fundamental difference between the approved residential development at Heath Farm and the proposed dwelling at Badgers Dell. The Heath Farm development accorded with adopted planning policy as it was the re-use of redundant agricultural buildings. The construction of a single dwelling in an area defined as Countryside within the Tonbridge and Malling Local Development Framework should be strictly controlled. The development proposed is an isolated house in the countryside with no specific circumstances in planning terms to justify its approval.
- 2.6 Given these facts and those raised in the previous reports 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.

### **3. Recommendation:**

#### **3.1 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

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