

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**AREA 3 PLANNING COMMITTEE**

**19 April 2012**

**Report of the Chief Solicitor**

**Part 1- Public**

**Matters for Information**

**PLANNING APPEAL DECISIONS**

- 1.1 Site: **Former Store/piggery unit, Court Farm, 100 High Street, Aylesford**  
Appeal **Against the refusal of permission for a double garage (application reference TM/11/02570/FL)**  
Appellant **Mr Terry Boyle**  
Decision **Appeal dismissed**  
Background Papers file : PA/07/12

Contact: Cliff Cochrane  
01732 876038

The Inspector considered the main issue raised in the appeal relates to the effect of the proposal on the character and appearance of the local rural area.

The appeal site relates to a former store/piggery unit for which planning permission has recently been granted for use as a separate residential dwelling. The conversion works are currently taking place. The proposed detached garage would be set back at the eastern end of the building it would serve.

The site forms part of a larger site with an attractive group of buildings, with shared access from the High Street, comprising a Grade II\* listed residential dwelling, together with other existing buildings, including an oast house (Grade II listed) and barn outbuildings, which appear to have been converted to residential dwellings and/or holiday lets. There are two recently constructed garages within the site, one centrally located which serves the original building, and another one further back which appears to serve the barn conversion.

The whole site lies to the west of the main part of the High Street and lies outside of the settlement boundary, and therefore, in policy terms, within the countryside. In order to protect the character and appearance of the countryside, there are restrictive policies towards development, including Policy DC1 of the adopted Tonbridge and Malling LDF: Managing

Development and the Environment Development Plan Document 2010 (DPD). This Policy relates specifically to the re-use of rural buildings which may be permitted but subject to a number of restrictions, including a presumption against the provision of ancillary outbuildings, in order to protect the rural nature of the local area.

There are a number of buildings spread across the site, but given their spacing, the openness of the site remains a key characteristic. The Inspector considered that the proposed garage, sited between the former store/piggery unit and the garage to serve the barn conversion would substantially infill one of the existing open gaps and, as a result, present a more solid line of built development along the rear of the site. This would detract from the more open character and appearance of the local rural area and conflict with Policy DC1 of the DPD.

The Inspector appreciated that the conversion of the former store/piggery unit to residential use has been permitted but it would appear that the provision of a garage was not proposed at that stage. He was not persuaded on the limited information before him that a need for a garage and storage area for garden machinery has been demonstrated which would outweigh the policy presumption against further outbuildings.

The Inspector also took into account that two garages have been permitted on the site although the planning reasons for these two garages are not set out in the information before him. However these did not lead him to conclude that more should be permitted, given the harm he has concluded to the character and appearance of the local rural area.

The site lies within the Aylesford Conservation Area and in close proximity to two listed buildings (Court Farm and the adjoining oast house). The Conservation Area is drawn widely to take in the historic core of the village and its more rural hinterland to the west, including the appeal site. As a result of its extensive area, the character and appearance varies from the more tightly knit development within the village to the more open rural setting. The Inspector did not consider that the proposal would harm the setting of either of the listed buildings or the character and appearance of the Conservation Area as a whole, given its scale, design and materials. The Council has also raised no objection on either ground. However, this finding does not override the conclusion of the Inspector under the main issue

**Adrian Stanfield**  
Chief Solicitor