

# TONBRIDGE & MALLING BOROUGH COUNCIL

## POLICY OVERVIEW COMMITTEE

27 January 2009

### Supplementary Report of the Director of Planning, Transport and Leisure

#### Part 1- Public

#### Matters for Recommendation to Cabinet – Council Matter

### 1 MANAGING DEVELOPMENT AND THE ENVIRONMENT DPD (MDE DPD)

#### 1.1 Green Infrastructure Network Diagram

1.1.1 In the main report to the LDF Panel it is indicated that the Green Infrastructure Diagram, referred to in Policies NE2, NE3 and OS5 was in the course of preparation in consultation with key stakeholders and that the latest iteration should be available for Members to see in draft at the meeting, but that it may be necessary to seek delegated authority to finalise the Diagram following the meeting.

1.1.2 In the event, a successful Stakeholder Workshop was held on 12 January from which we were able to prepare a draft of the Green Infrastructure Plan which was considered and recommended for approval by the LDF Steering Panel subject to clarifying its graphical presentation. A revised copy of the Diagram is attached to this Supplementary Report for Members' consideration.

1.1.3 In considering this matter, Members should bear in mind that the Council has a statutory duty to have regard to biodiversity under the Natural Environment and Rural Communities Act 2006. The Policies in the MDE DPD and the associated Diagram are one way of giving effect to this duty.

#### 1.2 Agricultural buildings

1.2.1 The LDF Steering Panel asked whether it would be possible to include some reference in the DPD to the removal of disused and dilapidated agricultural buildings erected under permitted development rights. It would not be appropriate to include a policy to require something over which the Council has no control. However, it may sometimes be possible to negotiate removal of such buildings in association with other proposals requiring permission. It is recommended that the following additional paragraph be included in the introduction to Chapter 7.

#### **Insert after paragraph 7.1.6**

"An application for farm diversification or the re-use of agricultural buildings may include within the proposal site, buildings or other structures that are

unsuitable for conversion or reuse and/or adversely affect the visual quality of the area. When considering such proposals, the Local Planning Authority would wish to have a clear picture about the future use of any such underused or redundant buildings or structures relating to the farm unit concerned with a view to the removal of any buildings or structures that adversely affect the visually quality of the area. The Town and Country Planning (General Permitted) Development Order 1995, requires the removal of buildings erected under agricultural permitted development rights on or after 1 April 1997 if they permanently cease to be used for agriculture within ten years of their completion and planning permission has not been given for their re-use within three years of the permanent cessation of use. If an appeal is in progress this requirement to remove the building is held in abeyance until the determination of the appeal”.

### 1.3 Other Amendments

1.3.1 Following publication of the main agenda, discussion with local Members and consideration by the LDF Steering Panel a number of detailed changes to the content of **Policy Annexes OS1A** and **OS1B** as set out under **ANNEX A** to this Supplementary Report have been identified and are now recommended for inclusion in the DPD. These include a number of sites, identified a “missing sites”, which were erroneously not copied across from the Open Space Strategy as well as some recommended changes of name or category on the advice of local Members.

### 1.4 Recommendations

1.4.1 It is recommended to Cabinet that:

- 1) the revised Green Infrastructure Network Diagram be recommended for approval by Council for inclusion in the MDE DPD.
- 2) the additional wording relating to disused agricultural buildings be included in Chapter 7
- 3) the amendments listed under **ANNEX A** to this Supplementary Report be included in the MDE DPD.

Background papers:

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Nil

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