

TONBRIDGE & MALLING BOROUGH COUNCIL

PLANNING and TRANSPORTATION ADVISORY BOARD

23 February 2010

Report of the Director of Planning Transport and Leisure

Part 1- Public

Matters for Information

**1 DCLG RESEARCH PROJECT: GARDEN DEVELOPMENTS:
UNDERSTANDING THE ISSUES - An investigation into residential
development on gardens in England**

To report on the outcome of DCLG sponsored research, with analysis by Kingston University Research Team. To acquaint Members with the intentions of the Secretary of State to revise the definition of “previously developed land”.

1.1 The findings and conclusions.

1.1.1 The broad conclusions of this recent research report are that this is an issue essentially occurring in London, the South East and the West Midlands. *“...the southeast is the area in which the greatest contribution is made by garden developments and authorities in these areas dealt with the greatest number of applications and appeals.”*

The Report indicates that: *“What is evident is that it is a complex multi-faceted matter and much of this stems from the finding that there is a lack of uniformity in the way in which garden developments are handled....”*

1.1.2 There is no doubt that the issue of development in residential gardens has become a matter of concern more locally in South East England and especially locally as witnessed by the interventions particularly by Greg Clarke MP (the MP for Tunbridge Wells) in his attempt to promote on of several Private Member’s Bills on the subject and also by Sir John Stanley on this Council’s behalf.

1.1.3 The importance is further emphasized the recent Press Release by the current Secretary of State to announce the publication of the research. He said

“Councils are leaving an open door for inappropriate development if they do not have local plans in place, and the power to stop this lies in their hands. Councils already have the tools they need to deal with this issue and this evidence shows that when they have a local policy in place they can accurately judge the need for

new homes on previously developed land, using their own discretion, and protect the essence of a neighbourhood.

If those areas that have reported a problem don't want to see developments on garden land, they are tying their own hands by not having a local plan in place. This evidence shows that planning inspectors will support local authorities in rejecting inappropriate buildings in gardens if there is a clear idea of what the area needs.

Over time, so-called 'garden grabbing' can change the look and feel of a community without giving local people a choice, so it is good news that councils have told our independent experts that it is not a problem in the large majority of areas. I am determined to keep it that way and to see tougher action in a small number of garden grabbing hotspots.

For my part, I am changing the official guidance for planners to make it crystal clear that previously developed or former garden land is not necessarily suitable for development, and that the impact on the surrounding area should be considered."

- 1.1.4 Our experience is that the defence of some garden land is not quite so clear cut as the Secretary of State's comments suggest. Nevertheless the commitment to clarify Government Policy Guidance is welcomed.
- 1.1.5 There are two key conclusions for this Council to draw from this most recent announcement from Government;
- Firstly, that the work that the Council has embarked-upon with regard to Urban Character Area Assessments is entirely appropriate to support its Adopted Core Strategy policies and Policy SQ1 of the emerging MDE DPD. This Council is advanced in terms of the programmed development of an evidence base to assist in the determination of individual planning proposals, as the Secretary of State expects; and
 - that this is a wise investment of resources bearing in mind that this issue is likely to be an important consideration in the planning world whatever the outcome of the forthcoming General Election.
- 1.1.6 I am pleased to be able to report that the Borough Council is well placed to meet the future in respect of this particular aspect of planning decision making.

1.2 Legal Implications

- 1.2.1 None unless the Council acts contrary to its developing evidence base.

1.3 Financial and Value for Money Considerations

- 1.3.1 None other than the previously committee programme of work for the carrying out of Character Assessments.

1.4 Risk Assessment

1.4.1 None unless the Council acts contrary to its developing evidence base.

1.5 Recommendations

1.5.1 This report BE **NOTED**.

Background papers:

contact: Lindsay Pearson

Nil

Steve Humphrey

Director of Planning Transport and Leisure