

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

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### Chief Executive

Julie Beilby BSc (Hons) MBA

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**NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.**

Contact: Committee Services  
[committee.services@tmbs.gov.uk](mailto:committee.services@tmbs.gov.uk)

13 January 2015

To: MEMBERS OF THE AREA 2 PLANNING COMMITTEE  
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Area 2 Planning Committee to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Wednesday, 21st January, 2015 commencing at 7.30 pm. Deposited plans will be available for Members' inspection for half an hour before the start of the meeting.

Yours faithfully

JULIE BEILBY

Chief Executive

## A G E N D A

### PART 1 - PUBLIC

1. Apologies for Absence
2. Declarations of Interest

3. Minutes 5 - 10

To confirm as a correct record the Minutes of the meeting of Area 2 Planning Committee held on 10 December 2014.

**Decisions to be taken by the Committee**

4. Development Control 11 - 14  
Introduction and Glossary
5. TM/14/03684/FL - The Butts, Beechinwood Lane, Platt 15 - 28
6. TM/14/03431/FL - West Yaldham Farm, Kemsing Road, Kemsing 29 - 32
7. Alleged Unauthorised Development 13/00497/USEM - The Caravan, East Street, Addington 33 - 38
8. Urgent Items

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

**Matters for consideration in Private**

9. Exclusion of Press and Public

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**PART 2 - PRIVATE**

10. Urgent Items

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

## **MEMBERSHIP**

Cllr Mrs F A Kemp (Chairman)  
Cllr Mrs E M Holland (Vice-Chairman)

Cllr Mrs J A Anderson  
Cllr M A C Balfour  
Cllr C Brown  
Cllr F R D Chartres  
Cllr M A Coffin  
Cllr S R J Jessel  
Cllr Mrs S Luck  
Cllr B J Luker

Cllr Mrs S Murray  
Cllr T J Robins  
Cllr H S Rogers  
Cllr A G Sayer  
Cllr Miss J L Sergison  
Cllr Miss S O Shrubsole  
Cllr M Taylor

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## TONBRIDGE AND MALLING BOROUGH COUNCIL

### AREA 2 PLANNING COMMITTEE

Wednesday, 10th December, 2014

**Present:** Cllr Mrs F A Kemp (Chairman), Cllr Mrs E M Holland (Vice-Chairman), Cllr Mrs J A Anderson, Cllr M A C Balfour, Cllr C Brown, Cllr M A Coffin, Cllr B J Luker, Cllr Mrs S Murray, Cllr H S Rogers, Cllr A G Sayer, Cllr Miss J L Sergison and Cllr M Taylor

Councillor O C Baldock was also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors S R J Jessel, Mrs S Luck and Miss S O Shrubsole

### PART 1 - PUBLIC

#### **AP2 14/64 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.

#### **AP2 14/65 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 2 Planning Committee held on 29 October 2014 be approved as a correct record and signed by the Chairman.

### DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

#### **AP2 14/66 DEVELOPMENT CONTROL**

Decisions were taken on the following applications subject to the pre-requisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health or in the variations indicated below. Any supplementary reports were tabled at the meeting.

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed under the relevant planning application shown below.

**AP2 14/67 HENRY SIMMONDS PH, 4 WROTHAM ROAD, BOROUGH GREEN**

The report of the Director of Planning, Housing and Environmental Services and the Director of Central Services advised of representations received for an Article 4 Direction to be served restricting such 'permitted development' in circumstances where the Secretary of State, or the appropriate Local Planning Authority, considered it expedient that development should not be carried out unless permission was granted for it on application.

In accordance with Council Procedure Rule 11.1 of the Constitution Councillor Taylor proposed the suspension of committee procedure rules to allow public speaking, particularly a representative of Wrotham Parish Council. This proposal was seconded by Councillor Sayer and it was:

**RESOLVED:** That public speaking on behalf of Wrotham Parish Council and the applicant's agent for application TM/14/03560 (later on the agenda), be allowed.

Careful consideration was given to the merits of an Article 4 Direction against the tests set out in the Town and Country Planning (General Permitted Development Order) 1995 as amended (TCPGPD0) and also in the context of prevailing planning policy and other material planning considerations. Given these considerations it was the opinion of Officers that the permitted development rights should not be restricted as to do so would be against national statute as expressed in the TCPGPD0 and contrary to the prevailing policy position. There were no overriding matters that weighed significantly against those considerations.

It was also confirmed that the public house had not been added to the register of Assets of Community Value.

**RESOLVED:** That the Borough Council should not seek to restrict the permitted development rights granted in respect of the change of use of the existing Henry Simmonds Public House to retail use.

[Speakers: Mr P Gillin - Wrotham Parish Council and Mr G Morris – agent]

**AP2 14/68 (A) TM/14/03560/FL AND (B) TM/14/03570/AT - THE HENRY SIMMONDS, 4 WROTHAM ROAD, BOROUGH GREEN**

(A) Single storey side and rear extensions to existing building, installation of ATM, changes to elevations, installation of plant machinery and reconfiguration of access to the existing residential accommodation above at The Henry Simmonds, 4 Wrotham Road, Borough Green.

- (B) 3 no. internally illuminated fascia signs, store entrance sign, ATM surround, Totem sign (externally illuminated) and various car park/parking signage at The Henry Simmonds, 4 Wrotham Road, Borough Green.

**RESOLVED:** That application (A) TM/14/03560/FL be APPROVED in accordance with the submitted details, conditions, reasons and informatives set out in the main report of the Director of Planning, Housing and Environmental Health, subject to:

- (1) The amended plans list, as set out in the supplementary report of the Director of Planning, Housing and Environmental Health;

- (2) Amended condition:

4. Retail deliveries shall not take place outside the hours of 0700 to 2230 Monday to Friday, 0800 to 2100 on Saturdays and 0800 to 1900 on Sundays or Public and Bank Holidays.

Reason: To protect the aural environment of nearby dwellings.

- (3) Additional informatives:

5. The applicant is invited to consider:

- the provision of a yellow box junction on the A227
- submitting an informal agreement to not allow deliveries to coincide with school drop-off and pick-up times in term time (0800 to 0900 and 1500 to 1600)
- whether vehicle entry/exit swept paths might be better reversed
- re-positioning of ATM from road elevation/delivery swept path

**RESOLVED:** That application (B) TM/14/03570/AT be GRANTED in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health.

[Speakers: Mr P Gillin – Wrotham Parish Council, Mr R Yeoell and Mr T Wells – members of the public and Mr G Morris – agent]

**AP2 14/69 TM/14/02992/FL - A TO Z GEOGRAPHERS LTD,  
173 - 199 FAIRFIELD ROAD, BOROUGH GREEN**

Demolition of the existing Geographers A-Z buildings on the site and for the erection of 41 residential units with associated car parking, access,

footways, associated infrastructure works, and landscaping at A To Z Geographers Ltd, 173 - 199 Fairfield Road, Borough Green.

**RESOLVED:** That the application be APPROVED in accordance with the submitted details set out in the report of the Director of Planning, Housing and Environmental Health, subject to:

- (1) The applicant entering into a S106 legal obligation in respect of:
  - Open space provision
  - The provision of affordable housing
  - Contribution to Kent County Council Community facilities
- (2) The conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health
- (3) Additional condition:

18. No development shall take place until a plan showing the existing levels of the site and adjoining land, proposed slab and finished ground floor levels of all buildings hereby approved and the proposed finished ground levels of the site have been submitted to and approved by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: To ensure that the development does not harm the character of the area or visual amenity of the locality.

- (4) Addition of informative:
  1. The applicant is encouraged to contact Network Rail to discuss the impact of demolition/construction traffic on use of the bridge over the railway to the south of the Fairfield Road/Wrotham Road junction.
  2. The applicant is encouraged to contact the Environmental Protection team of the Borough Council to discuss working hours and impact of piling on nearby residential properties.

[Speakers: Mr Jerrad – member of the public and Mr J Collins – agent]

**AP2 14/70 (A) TM/14/02861/FL AND (B) TM/14/02877/FL - BASTED HOUSE (REYNOLDS RETREAT), HARRISON ROAD, BOROUGH GREEN**

- (A) Application to vary condition 4 of planning permission TM/11/03518/FL (Proposed change of use of buildings from offices to health and fitness spa with proposed extensions and new roofs) to allow use of the bar and dining facilities to remain open until 12.30am Monday to Friday and at weekends / Bank



Holidays at Basted House ('Reynolds Retreat'), Harrison Road, Borough Green.

- (B) Retrospective application to retain infill of rear courtyard area on two floors providing kitchen, food preparation area and cold store at Basted House ('Reynolds Retreat'), Harrison Road, Borough Green.

**RESOLVED:** That application (A) TM/14/02861/FL be GRANTED A TEMPORARY PERMISSION in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health; subject to:

- (1) Amended condition:

3. The premises shall be used as a health and fitness spa and for no other purpose (including any other purpose in Class D2 of the Town and Country Planning (Use Classes Order) 1987 as amended, including a wedding ceremony or reception venue or other similar functions such as conferences or dances/receptions), or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.

Reason: The proposal was determined on the basis of the information provided as part of the application, having regard to the impact of the use of the highway network.

4. Until 30 June 2016, the premises shall not be open for business outside the hours of 0630 and 0030 Monday to Sundays, including Bank and Public Holidays. Thereafter the premises shall not be open for business outside the hours of 0630 and 2300 Mondays to Fridays and the hours of 0800 and 2100 on Saturdays, Sundays and Bank and Public Holidays.

Reason: To allow regard to the impact of the use on the highway network and the residential amenities of nearby local properties.

- (2) Addition of informative:

3. The applicant is invited to:

- review the adequacy of lighting at the entrance/exit gate for ALL users of the access
- consider using a 'half-barrier' with reflective panels to deter north facing exit traffic from using the link road to Harrison Road area

- consider reinforcing as double-dotted white lines the requirement of left turns out of the site direct to the Quarry Hill Road roundabout

**RESOLVED:** That application (B) TM/14/02877/FL be APPROVED in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health.

**AP2 14/71 TM/14/02465/FL - FAIRSEAT LODGE, VIGO ROAD, FAIRSEAT**

Erection of a detached single storey oak framed outbuilding and open log store following recent demolition of two outbuildings and greenhouse to rear at Fairseat Lodge, Vigo Road, Fairseat.

**RESOLVED:** That the application be APPROVED in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health.

**MATTERS SUBMITTED FOR INFORMATION**

**AP2 14/72 IMPLEMENTATION OF PLANNING PERMISSION FOR 171 DWELLINGS AT ISLES QUARRY WEST - UPDATE REPORT**

The report of the Director of Planning, Housing and Environmental Health provided an update on the implementation and monitoring of land contamination in the development at Isles Quarry West, Borough Green.

Members were advised that the technical information provided demonstrated that the work on Phase 1 had been executed in a way that was appropriate and an approval notice would be issued in the next few days.

In addition, Members noted the position regarding Phase 2 and asked to be kept up to date if any matters of importance emerged.

**AP2 14/73 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 9.45 pm

## TONBRIDGE & MALLING BOROUGH COUNCIL

### AREA PLANNING COMMITTEES

#### Report of the Director of Planning, Housing & Environmental Health

#### Part I – Public

#### Section A – For Decision

#### DEVELOPMENT CONTROL

In accordance with the Local Government Access to Information Act 1985 and the Local Government Act 1972 (as amended), copies of background papers, including representations in respect of applications to be determined at the meeting, are available for inspection at Planning Services, Gibson Building, Gibson Drive, Kings Hill from 08.30 hrs until 17.00 hrs on the five working days which precede the date of this meeting.

Members are invited to inspect the full text of representations received prior to the commencement of the meeting.

Local residents' consultations and responses are set out in an abbreviated format meaning: *(number of letters despatched/number raising no objection (X)/raising objection (R)/in support (S))*.

All applications may be determined by this Committee unless (a) the decision would be in fundamental conflict with the plans and strategies which together comprise the Development Plan; or (b) in order to comply with Rule 15.24 of the Council and Committee Procedure Rules.

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#### **GLOSSARY of Abbreviations and Application types used in reports to Area Planning Committees as at 16 August 2013**

AAP	Area of Archaeological Potential
AODN	Above Ordnance Datum, Newlyn
AONB	Area of Outstanding Natural Beauty
APC1	Area 1 Planning Committee
APC2	Area 2 Planning Committee
APC3	Area 3 Planning Committee
ASC	Area of Special Character
BPN	Building Preservation Notice
BRE	Building Research Establishment
CA	Conservation Area
CBCO	Chief Building Control Officer
CEHO	Chief Environmental Health Officer
CHO	Chief Housing Officer
CPRE	Council for the Protection of Rural England

DEFRA	Department for the Environment, Food and Rural Affairs
DETR	Department of the Environment, Transport & the Regions
DCLG	Department for Communities and Local Government
DCMS	Department for Culture, the Media and Sport
DLADPD	Development Land Allocations Development Plan Document (part of the emerging LDF)
DMPO	Development Management Procedure Order
DPD	Development Plan Document (part of emerging LDF)
DPHEH	Director of Planning, Housing & Environmental Health
DSSL	Director of Street Scene & Leisure
EA	Environment Agency
EH	English Heritage
EMCG	East Malling Conservation Group
FRA	Flood Risk Assessment
GDPO	Town & Country Planning (General Development Procedure) Order 1995
GPDO	Town & Country Planning (General Permitted Development) Order 1995
HA	Highways Agency
HSE	Health and Safety Executive
HMU	Highways Management Unit
KCC	Kent County Council
KCCVPS	Kent County Council Vehicle Parking Standards
KDD	Kent Design (KCC) (a document dealing with housing/road design)
KWT	Kent Wildlife Trust - formerly KTNC
LB	Listed Building (Grade I, II* or II)
LDF	Local Development Framework
LMIDB	Lower Medway Internal Drainage Board
LPA	Local Planning Authority
LWS	Local Wildlife Site
MAFF	Ministry of Agriculture, Fisheries and Food
MBC	Maidstone Borough Council
MC	Medway Council (Medway Towns Unitary Authority)
MCA	Mineral Consultation Area
MDEDPD	Managing Development and the Environment Development Plan Document
MGB	Metropolitan Green Belt
MKWC	Mid Kent Water Company
MLP	Minerals Local Plan
MPG	Minerals Planning Guidance Notes
NE	Natural England
NPPF	National Planning Policy Framework
ODPM	Office of the Deputy Prime Minister
PC	Parish Council
PD	Permitted Development

POS	Public Open Space
PPG	Planning Policy Guidance Note
PPS	Planning Policy Statement (issued by ODPM/DCLG)
PROW	Public Right Of Way
RH	Russet Homes
RPG	Regional Planning Guidance
SDC	Sevenoaks District Council
SEW	South East Water
SFRA	Strategic Flood Risk Assessment (prepared as background to the LDF)
SNCI	Site of Nature Conservation Interest
SPAB	Society for the Protection of Ancient Buildings
SPD	Supplementary Planning Document (a statutory policy document supplementary to the LDF)
SPN	Form of Statutory Public Notice
SSSI	Site of Special Scientific Interest
SWS	Southern Water Services
TC	Town Council
TCAAP	Tonbridge Town Centre Area Action Plan
TCG	Tonbridge Conservation Group
TCS	Tonbridge Civic Society
TMBC	Tonbridge & Malling Borough Council
TMBCS	Tonbridge & Malling Borough Core Strategy (part of the Local Development Framework)
TMBLP	Tonbridge & Malling Borough Local Plan
TWBC	Tunbridge Wells Borough Council
UCO	Town and Country Planning Use Classes Order 1987
UMIDB	Upper Medway Internal Drainage Board
WLP	Waste Local Plan (KCC)
AGPN/AGN	Prior Notification: Agriculture
AT	Advertisement
CA	Conservation Area Consent (determined by Secretary of State if made by KCC or TMBC)
CAX	Conservation Area Consent: Extension of Time
CNA	Consultation by Neighbouring Authority
CR3	County Regulation 3 (KCC determined)
CR4	County Regulation 4
DEPN	Prior Notification: Demolition
DR3	District Regulation 3
DR4	District Regulation 4
EL	Electricity
ELB	Ecclesiastical Exemption Consultation (Listed Building)
ELEX	Overhead Lines (Exemptions)
FC	Felling Licence
FL	Full Application

FLX	Full Application: Extension of Time
FLEA	Full Application with Environmental Assessment
FOPN	Prior Notification: Forestry
GOV	Consultation on Government Development
HN	Hedgerow Removal Notice
HSC	Hazardous Substances Consent
LB	Listed Building Consent (determined by Secretary of State if made by KCC or TMBC)
LBX	Listed Building Consent: Extension of Time
LCA	Land Compensation Act - Certificate of Appropriate Alternative Development
LDE	Lawful Development Certificate: Existing Use or Development
LDP	Lawful Development Certificate: Proposed Use or Development
LRD	Listed Building Consent Reserved Details
MIN	Mineral Planning Application (KCC determined)
NMA	Non Material Amendment
OA	Outline Application
OAEA	Outline Application with Environment Assessment
OAX	Outline Application: Extension of Time
ORM	Other Related Matter
RD	Reserved Details
RM	Reserved Matters (redefined by Regulation from August 2006)
TEPN56/TEN	Prior Notification: Telecoms
TNCA	Notification: Trees in Conservation Areas
TPOC	Trees subject to TPO
TRD	Tree Consent Reserved Details
TWA	Transport & Works Act 1992 (determined by Secretary of State)
WAS	Waste Disposal Planning Application (KCC determined)
WG	Woodland Grant Scheme Application

<b>Platt</b> Borough Green And Long Mill	<b>562707 156514</b>	<b>7 November 2014</b>	<b>TM/14/03684/FL</b>
Proposal:	Erection of storage building for use ancillary to main dwelling including the archery club (retrospective)		
Location:	The Butts Beechinwood Lane Platt Sevenoaks Kent TN15 8QN		
Applicant:	Mr William Terry		

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## 1. Description:

- 1.1 The application is for a detached storage building 55m to the rear of the host dwelling. A slab has already been constructed on site.
- 1.2 The submitted plans indicate the building will measure 17.2m in width; the depth will be 7.23m with a small part slightly deeper at 8.23m. The overall gross footprint is therefore approx. 128sqm (1378 sq ft). The eaves height is indicated at 2.5m and the overall ridge at 4.5m (14.75 ft). The roof form is fully pitched.
- 1.3 The materials are shown to be green stained timber cladding to the walls and doors. The plans propose concrete tiles in “rustic red or brown” but the applicant has also indicated a dark slate or similar to the roof would be acceptable to them. Windows are indicated to be brown wood effect UPVC. Rain water goods are indicated to be in black UPVC.
- 1.4 The building is to match the external dimensions of the outbuilding in the same location which was allowed on appeal in December 2006 under ref TM/05/00899/FL. However, the revised elevations have high level windows (8 in number on 3 elevations), and 3 normal doors and a set of double doors, all on the north elevation.
- 1.5 The appeal outbuilding would have covered an outdoor swimming pool (then in situ but since filled in and concreted over) and included a kitchenette and male and female changing/shower facilities. The north elevation was primarily glazed with 5 large windows.
- 1.6 The proposed outbuilding is shown to have 3 internal areas: a large garden equipment store and workshop served by double doors; an area for hobby storage; and an area for general household storage. The applicant advised that a large barn on adjacent land at Beechin Wood Farm that has been used for these purposes for a number of years is no longer available to the applicant and thus his urgent need for replacement storage facilities. An internal inspection of the barn at Beechin Wood Farm currently used showed it to have a part mezzanine floor to add to the storage capacity.

1.7 Whilst the application for this outbuilding was originally submitted as a householder development, it was amended to include reference to the archery use when it became clear that much of the “garden equipment” stored or worked upon in the workshop is likely to be used for maintenance of the archery field (eg, a number of ride-on mowers and a hedge trimmer). The hobby storage area is said to be intended for the applicant’s large collection of archery pictures and related artefacts and memorabilia. The domestic storage area is said to be for the type of householder items often stored in a typical domestic shed/garage (furniture and other household effects).

1.8 The applicant has submitted the following in support:

*“Chamber two currently holds three sit-on mowers, one ride-on bush cutter, hedge cutters, plant and tools etc. needed to maintain the land and its planting in my ownership.*

*In this past 24 months, two major (archery) collections have been donated to my care. One of which is the library of the late Mr Fred Lake being the most comprehensive collection of archery books in the UK and beyond. The garage/store of which you make mention has now taken some of the overflow of artefacts from the main house. ...Space for storing and display is becoming ever precious and presents me and the future appointed Trustees with a serious issue. My tenancy of the cold store has provided a net floor area of 1,000 sq ft and with the introduction of a mezzanine floor in chamber one an additional area of 500 sq ft has been created. The net floor area of the new barn will be 1200 sq ft. Thus, there will be a deficiency of 300 sq ft. when I move from the cold store”.*

**2. Reason for reporting to Committee:**

2.1 This has been called in by Cllr Taylor due to the concerns of the Parish Council.

**3. The Site:**

3.1 The site lies outside any settlement and is thus in the countryside. It is in the MGB and adjacent to a Conservation Area.

3.2 The site was originally part of Beechin Wood Farm but has been renamed The Butts. It comprises a detached dwelling with an area of former agricultural land to the north and north west, part of which has been re-profiled into a level area for the purposes of archery using longbows.

3.3 The commercial use of the archery field for a club and a visitor car park and a WC building south of the archery field were granted planning permission in 2013.



- 3.4 The western flank of the proposed outbuilding will be within 1m of the close boarded fenced boundary to the commercial units in former agricultural buildings which remain at Beechin Wood Farm but outside the ownership/control of the applicant.
- 3.5 The northern flank of the outbuilding will be 15m from the sunken archery field. Its southern flank will be 90m from Beechin Wood Lane and its eastern flank will be 27m from the sunken Boneashe Lane.
- 3.6 There is another outbuilding between the house and the archery field. It was approved in 2006 as a garage and store under ref TM/05/02804/FL and was subject to a condition that it should not be used for any other purpose than the accommodation of private vehicles or for a purpose incidental to the enjoyment of the related dwellinghouse and no trade or business shall be carried on therefrom. Its use was investigated in 2011 following complaints and it was found to have been used in the past as a staff annexe but the occupants have now left and it is now a staff room and it is understood that no habitation is taking place.

#### 4. Planning History:

TM/01/02682/FL	Refuse	13 December 2001
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First floor extension

TM/02/00353/LDCP	Certifies	30 October 2002
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Lawful Development Certificate Proposed: First floor extension

TM/02/01896/FL	Refuse	19 September 2002
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Continued occupation of existing dwelling without complying with agricultural occupancy condition attached to planning permission ref: MK/4/65/93

TM/02/03560/FL	Non-determination appeal Allowed	15 December 2003
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Continued occupation of existing dwelling house without complying with agricultural occupancy condition attached to planning permission MK/4/65/93

TM/03/01789/FL	Grant With Conditions	15 January 2004
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Replacement pool house

TM/03/01821/FL	Application Withdrawn	7 November 2003
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Re-contouring of agricultural land to provide an area of level terrace

TM/04/00356/FL Grant With Conditions 16 August 2004

Proposed garage/garden store

TM/04/01799/FL Section 73A Approved 13 January 2005

Vehicular access

TM/04/02533/FL Grant With Conditions 22 June 2006

Construction of garage between existing retaining walls

TM/04/02898/FL Refuse 11 November 2004

Swimming pool enclosure, including changing facilities

TM/04/03680/FL Non-determination  
appeal- withdrawn 2 February 2005

Retention of engineering works relating to land regrading

TM/04/03900/FL Grant With Conditions 31 January 2005

Proposed garage/garden store

TM/04/03680/FL Non-determination  
appeal – withdrawn 2 February 2005

Retention of engineering works relating to land regrading

TM/05/00899/FL Refuse 25 August 2005  
Allowed on appeal 8 December 2006

Swimming pool cover and changing rooms

TM/05/01135/FL Grant With Conditions 14 September 2005

First floor conservatory built over existing ground floor extension

TM/05/01396/FL Grant With Conditions 5 July 2006

Appeal on conditions 4,  
6, 10 partly allowed 16 November 2007

Use of land for the practice of Archery for not more than 28 days in total in any calendar year

TM/05/02804/FL      Grant With Conditions      16 June 2006

Garage and store (retrospective)

TM/07/01131/FL      Approved      30 September 2008

Erection of sectional timber shed with mineral felted roof 12ft by 8ft

TM/10/00875/FL      Approved      3 February 2012

Engineering operation to extend the size of the archery field to the North East, resiting of existing catch netting, associated landscaping together with Variation of condition 9 of TM/05/01396/FL to amend the direction of shooting (retrospective)

TM/11/02625/RD      Approved      30 November 2011

Details of landscaping pursuant to condition 2 of appeal decision TM/05/0899/FL allowed 8th Dec 2006 (Swimming pool cover and changing rooms)

TM/12/01294/FL      Approved      3 May 2013

Retrospective application for engineering operation to alter archery field by cutting bank to south west and deposit arisings to north west

TM/12/01373/FL      Approved      23 December 2013

Section 73 application to vary conditions 1 (direction of shooting); 2 (maximum number of archers and club use); of planning permission TM/12/01294/FL (Retrospective application for engineering operation to alter archery field by cutting bank to south west and deposit arisings to north west)

TM/12/01951/FL      Approved      3 May 2013

Retention of detached w.c. block for use by staff and persons using the archery field (retrospective)

**5. Consultees:**

- 5.1 PC: We would strongly object to this application. We are all aware of the history of this site, now a fully developed archery club, and again this application has been prompted by action from enforcement after works have already started. The essence of this application is to replace the extant permission for a pool covering with a new storage unit. If we refer to the appeal decision of 8 December 2006, where the *raison d'etre* was to enable the resident to use the pool throughout the year. It also stated that, otherwise, a new building would be detrimental and harmful to the green belt etc and would not be allowed. It further noted that the *"outbuilding must only be used for purposes GENUINELY incidental and ancillary to ..... the host dwelling"* Not an archery club. The decision also stated that *"the appellants permitted development rights in relation to Class E buildings could be removed"*. We would maintain that this proposal falls under Class E *"examples could include.... buildings such as garden sheds, other storage buildings, garages,.... "*. We would also refer you to your permission granted for TM/04/00356/FL for a garage/store where your informative item 2 stated *"no further outbuildings are likely to be permitted"* We trust you still uphold this statement. As this store exists already, could we inquire why another store is required, unless this unit has other purposes? In summary we object on the grounds that this NEW proposal is detrimental and harmful to the green belt. The site, albeit large, is becoming over developed and there is no requirement for another store. Basically, enough is enough!
- 5.2 Private Reps (36/1R/0X/0S) plus art 13 site notice and Conservation Area press and site notice.
- One objection that, due to the history of the site, further development should be refused.
- 5.3 KFRS: No objections regarding means of access from the Fire Brigade.

**6. Determining Issues:**

- 6.1 This site has a complex planning history and has been the subject of a number of enforcement investigations and appeal decisions that have a bearing on this case. The main issues in terms of the MGB and countryside are appropriateness and the visual impact and the impact on openness. Relevant policies are CP1, CP3, CP14, CP24 of the TMBCS.
- 6.2 Paragraph 17 of the NPPF requires protection of the Green Belt and recognition of the intrinsic character and beauty of the countryside. It is the case that the erection of a new building is not inappropriate development in the MGB if it meets any one of the criteria in paragraph 89 of the NPPF which include the following:
- buildings for agriculture and forestry;

- provision of appropriate facilities for outdoor sport/recreation as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

6.3 Paragraph 90 of the NPPF allows for certain other forms of development as appropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt, such as the re-use of buildings provided that the buildings are of permanent and substantial construction.

6.4 The parts of the proposed outbuilding to be used for the storage of equipment and associated workshop for repair/maintenance of items for the archery field such as ride-on mowers and the hedge trimmer can be argued to facilitate an open recreation use suited to a rural environment. Whilst the overall building is large, the part given over to store items for the archery field is relatively modest and would not, in isolation, affect the openness and purposes of the MGB significantly. This judgement is made in the context of the outbuilding being relatively close (12-13m) to buildings on the neighbouring site of Beechin Wood Farm which are now used for commercial purposes. A recreational use such as open air archery is a recognised function for the Green Belt and thus storage buildings to facilitate it is in compliance with paragraph 89 of the NPPF.

6.5 The areas around the archery field have been heavily planted with trees (some with a Forestry Commission Woodland grant) and there are also a number of hedgerows and hedges planted as landscape screening. It can thus also be argued that the new outbuilding would partly have a forestry function which makes any part of it used to store forestry related equipment appropriate in the MGB.

6.6 Whilst this is not technically a replacement building, it is inherent in the application that this outbuilding is being proposed to have the same siting, external form and size as the pool building allowed on appeal which was lawfully commenced and is thus extant and could be completed. Members will note that the PC has submitted comments in regard to its interpretation of the appeal decision.

6.7 The specific desire for a covered enclosure of the then outdoor swimming pool was **not** given as a reason for allowing the appeal. On the contrary, the Inspector expressly gave that no weight in her opinion, stating

*“Whilst I acknowledge the appellant’s desire to make use of his pool through the year, in my view, this desire falls far short of being very special circumstances sufficient to clearly override the permanent harm which this scheme would cause to the Green Belt”*

6.8 The summary of the appeal decision is reproduced as follows:

*“The proposal would not harm the character and appearance of the surrounding rural area. However, it would cause intrinsic harm to the Green Belt by reason of inappropriateness and, in addition, would reduce its openness. Balanced against this, I have found other material considerations that favour the proposal. These are the strong possibility that a marginally lower building would be built under permitted development in any event and the lesser visual impact of the proposal compared to the previously permitted pool building. I find these considerations to be particularly compelling. In addition...the appellant’s permitted development rights in relation to Class E buildings could be removed”*

6.9 It was principally relevant that there were, at that time, Class E permitted development rights (ie to erect similar sized outbuildings for domestic purposes within the lawful garden curtilage).

6.10 There were, in fact, no conditions imposed by the Inspector that the building should remain as a pool building, even if it had been completed for that purported reason. There were no conditions imposed by Inspector that the building should remain incidental and ancillary to the host dwelling (albeit such a restriction is inherent in the consent for a domestic swimming pool building). Class E rights for domestic outbuildings were removed by a condition that the Inspector imposed but that would have prevented further **additional** buildings being erected: obviously it would not have prevented the erection of the large pool building for which she was expressly granting planning permission in her decision letter.

6.11 The result of the 2006 appeal decision was that a building of the exact dimensions of the new proposal was endorsed by an Inspector in spite of its inappropriateness, due to her judgement that there were very special circumstances outweighing the harm from inappropriateness and other harm. As it was commenced within the statutory period, it could be completed as approved and, once completed, it could thereafter be used as a garden store, domestic storage and/or hobby storage without needing any further consents from the Council. Members are advised that since the pool building was commenced the Class E rights were consequently lost on the appeal site. However, this will be a new building with its own planning permission and it is felt necessary to again remove Class E pd rights.

6.12 I do accept, as the PC points out, that the storage of equipment in excess of domestic needs (such as ride on mowers and hedge trimmer for the archery field and its associated landscaping) would have to have been the subject of a change of use application if judged to result in an overall material change of use. However, it needs to be borne in mind that landowners have a prerogative to submit planning applications for development including material changes of use which must be determined on their merits.

- 6.13 In the light of the NPPF paragraph 89 as explained above, a completed pool building being replaced by a mixed domestic and archery field storage use would have been policy compliant. In the light of paragraph 90 of the NPPF, its conversion to a mixed domestic and archery field storage uses would also have been policy compliant.
- 6.14 The PC also refers to the existence of the garage/store permitted in 2005. It is true that this planning permission included an informative that no further outbuildings were likely to be permitted. An informative has no legal weight but TMBC did indeed follow the spirit of that informative in refusing the subsequent planning application for a pool building but it was allowed on appeal. The existence of an allowed appeal decision has to be treated as a material planning consideration. That is the requirement for LPAs in planning decisions notwithstanding the spirit of an informative on an earlier planning permission.
- 6.15 In terms of the PC's claim of an excessive level of storage at the site, I can advise Members that the items to be stored have been observed in the Beechin Wood Farm barn building currently used and I am satisfied that there is a genuine need to find a considerable amount of additional on site storage following the termination of the lease.
- 6.16 Members are reminded of an allowed appeal at a Green Belt site at Tanglewood under ref TM/11/00830/LDP for *Lawful Development Certificate Proposed: Provision of new swimming pool, erection of boiler shed/pump house and erection of detached ancillary domestic outbuilding to provide changing rooms, home office and games room/summer house.*
- 6.17 That proposed a domestic outbuilding of 15m by 6m (90 sq m) comprising a games room, home office, changing room and shower and kitchenette and garden room. The inspector stated that "*I am satisfied that there is no disparity between the size of the proposed pool house and the idea that it would be put to purposes incidental to the enjoyment of the dwellinghouse, the latter being, essentially, a substantial six bedroom property suitable for occupation by a large family*".
- 6.18 On that basis, I advise Members that it would be unreasonable to form the view that a larger mixed use storage building of 128sqm as proposed in this application which has a hobby/domestic element less than 70 sq m would be excessive in size.
- 6.19 Whilst the views and frustrations expressed by the PC are appreciated and understood, in the light of the 2006 appeal decision and the favourable stance of the NPPF as outlined above, they are unlikely to form defensible reasons to resist this application.

- 6.20 In favour of the current application compared to the appeal decision is that the materials of red facing brick are to be replaced by green stained timber cladding which will be more aesthetically sensitive to the rural MGB location in my view. The applicant has agreed to retain a dark coloured roof to further keep the appearance subdued in rural landscape terms. The overall changes to the elevations are supported as they will reduce the overall domestic appearance into one more “barn-like”. Thus the design, materials and appearance are not harmful to rural MGB character or visual amenities. Dark grey or black roofing/windows would further subdue the appearance and can be the subject of conditions in the event that Members are minded to grant planning permission.
- 6.21 The site is close to Platt Conservation Area and paragraph 137 of the NPPF states that opportunities for new development within the setting of heritage assets should enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably. The proposed outbuilding does not impact on the Conservation Area in my view, due to the intervening distance of over 140m and its non-visibility due to intervening land form and trees/hedges.
- 6.22 Policies CP1 and CP24 of the TMBCS and policy SQ1 of the MDE DPD require the character and amenities of a locality to be safeguarded. As discussed above the character and visual amenities of the area are not harmed in principle.
- 6.23 The site adjoins 2 residential gardens to the north, the garden of the host dwelling to the south and Boneashe Lane to the east. Residential amenities need to be protected as per policy CP1 and CP24 of the TMBCS. However, as with the Conservation Area issue above, due to the intervening distances and its non-visibility due to intervening land form and trees/hedges, there is no residential amenity harm.
- 6.24 This site’s recent planning history has raised a lot of public concern. However, this application comprises a scheme that needs to be considered on its own merits and its specific planning history/appeal decisions, notwithstanding the retrospective nature of the building works or the past enforcement/appeal issues on the site. I recommend that planning permission should be granted subject to the conditions suggested below.

**7. Recommendation:**

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Email roof materials dated 06.01.2015, Letter Fm Agent DTD 28.10.14 dated 29.10.2014, Design and Access Statement dated 29.10.2014, Block Plan dated 29.10.2014, Location Plan WT/2010/10 dated 07.11.2014, Floor Plans And Elevations 14/800/50 (inc previous approval) dated 29.10.2014, Proposed Plans



and Elevations 14/800/51 dated 29.10.2014, Roof Plan 14/800/52 (inc previous approval) dated 29.10.2014, Email storage justification dated 09.01.2015, subject to the following:

### Conditions

1. No development shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality.

2. This permission shall be an alternative to the following permission(s) and shall not be exercised in addition thereto, or in combination therewith. (Permission(s) granted on 08.12.06 and under reference(s) TM/05/00899/FL).

Reason: The exercise of more than one permission would result in an overintensive use of the land.

3. The outbuilding hereby permitted shall be used only for the storage/workshop purposes for garden equipment, hobby artefacts and/or general household items and for the storage of equipment necessary to maintain the associated land.

Reason: To accord with the terms of the application in the interests of the amenities of the rural Green Belt.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Class E, of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: In the interests of the openness of the rural Green Belt.

### Informatives

- 1 You are advised that dark coloured grey/black roofing and joinery in a colour to match are suggested in regard to condition 1.

Contact: Marion Geary

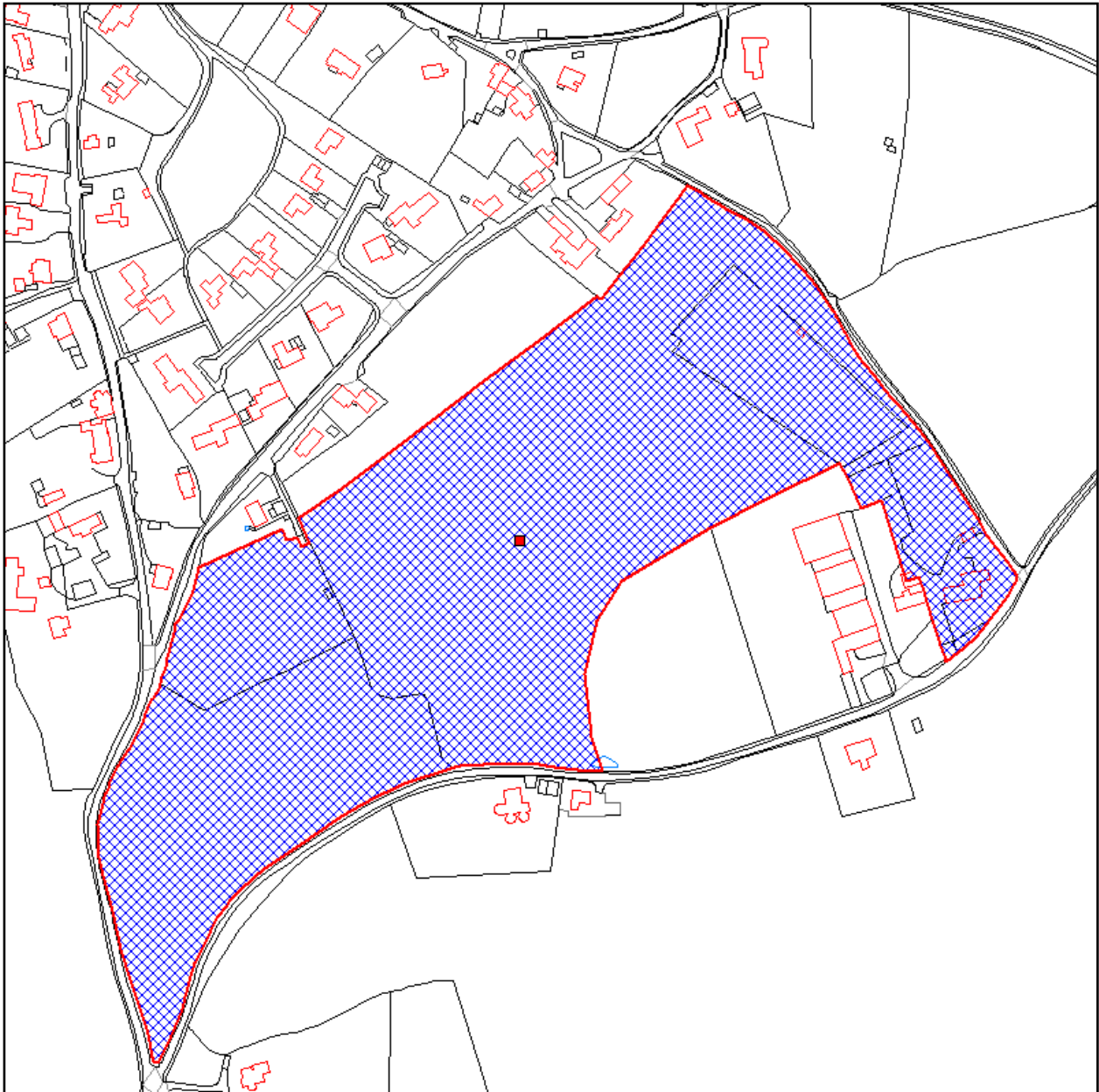
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**TM/14/03684/FL**

The Butts Beechinwood Lane Platt Sevenoaks Kent TN15 8QN

Erection of storage building for use ancillary to main dwelling including the archery club (retrospective)

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**Wrotham**                                      **558346 158826**    **15 October 2014**                                      **TM/14/03431/FL**  
Wrotham

Proposal:                                      Demolition of existing agricultural buildings and silos and replacement with 13 dwellings (8 market housing, 5 intermediate housing), 1844sqm agricultural building, 775sqm B1(a) offices and 1000sqm B1(c) light industrial  
Location:                                      West Yaldham Farm Kemsing Road Kemsing Sevenoaks Kent TN15 6NU  
Applicant:                                      Mrs Eliza Ecclestone

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## 1. Description:

- 1.1 The development comprises the demolition of existing agricultural buildings at West Yaldham Farm including 2no. silos, and replacement with 13 dwellings, 1844sqm agricultural building, 775sqm B1(a) offices and 1000sqm B1(c) Light Industrial. The site is part of the wider St Clere Estate which lies predominantly within the Sevenoaks District although this application site is totally within the TMBC boundary.
- 1.2 The application papers describe and seek to support a case for the proposal being conversion rather than new construction or a substantial rebuild and have provided additional information detailing the extent of existing steel frame which would be retained within the structure of the proposed units.
- 1.3 Various additional documents and amended plans have recently been submitted which are currently out to public consultation.
- 1.4 As a result of the scale and nature of the proposed development, the location of the site within the countryside, Metropolitan Green Belt and Area of Outstanding Natural Beauty, and the size of the site (some of which is not visible from public vantage points), I consider it would be helpful for Members to visit the site prior to the consideration of a full report. Such a report would set out the substantive issues, including the responses to recent consultation on the amended scheme. It is envisaged that we would aim to report to the Area 2 Planning Committee of 4 March 2015.

## 2. Reason for reporting to Committee:

- 2.1 Called in by Councillor Martin Coffin and the proposal is departure from the Development Plan.

## 3. Recommendation:

- 3.1 A Members' site inspection **BE ARRANGED**.

Contact: Lucy Harvey

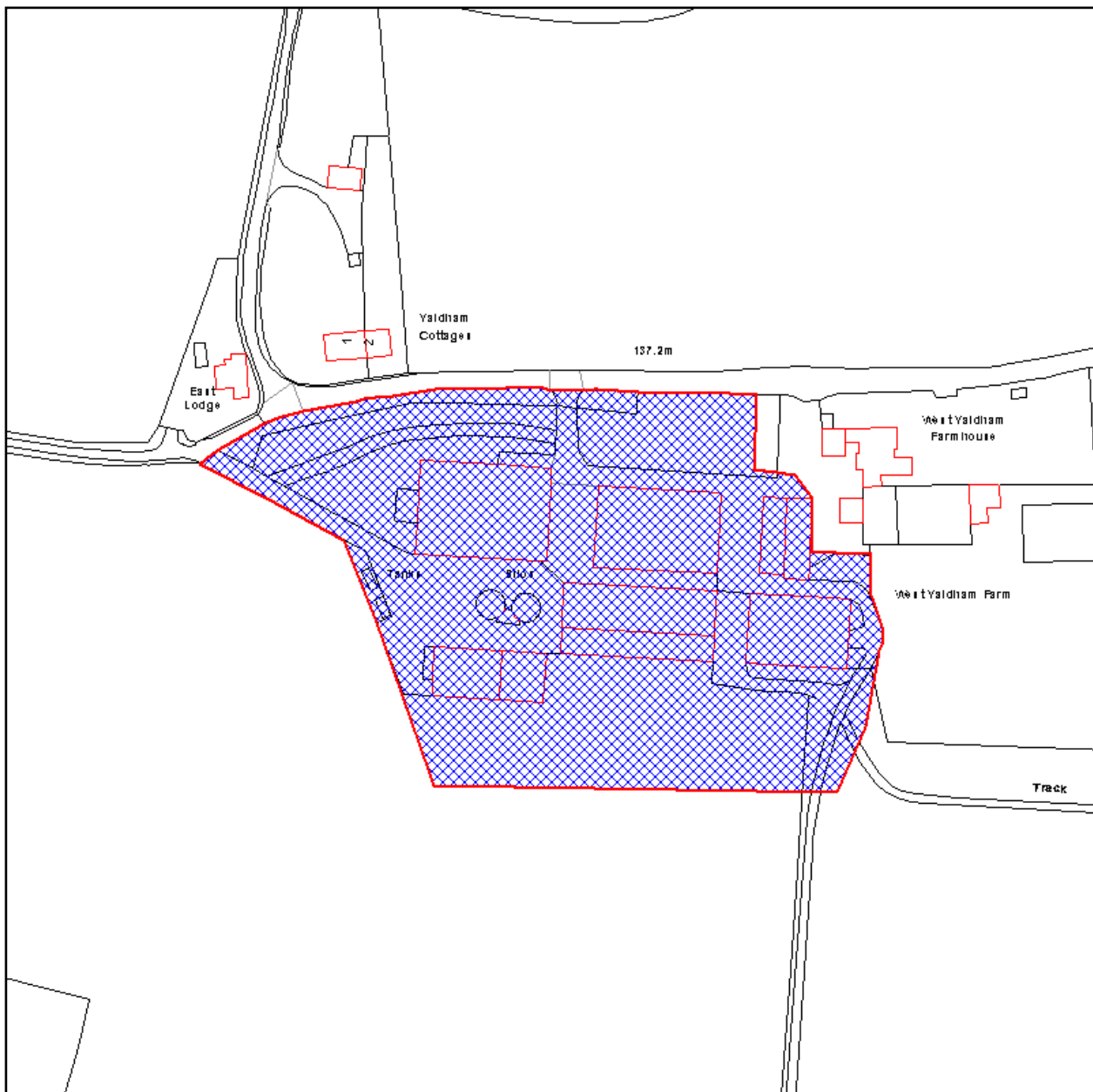
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**TM/14/03431/FL**

West Yaldham Farm Kemsing Road Kemsing Sevenoaks Kent TN15 6NU

Demolition of existing agricultural buildings and silos and replacement with 13 dwellings (8 market housing, 5 intermediate housing), 1844sqm agricultural building, 775sqm B1(a) offices and 1000sqm B1(c) light industrial

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## **Alleged Unauthorised Development**

**Addington  
Downs**

**13/00497/USEM**

**565956 159511**

Location: The Caravan East Street Addington West Malling Kent ME19  
5DH

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### **1. Purpose of Report:**

- 1.1 To report the unauthorised change in use from agricultural field to land used as open storage of vehicles, portable office units and associated paraphernalia.

### **2. The Site:**

- 2.1 The site lies within the Metropolitan Green Belt, outside the settlement confines of Addington Village and within the Area of Outstanding Natural Beauty. To the south of the site lies a residential redevelopment of a former house and scrapyard that has been developed as The Willows with three detached four bedroom, two storey dwellings (TM/08/03218/FL).

### **3. Planning History:**

TM/09/02237/OA	Refuse	10 December 2009
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Outline application for four detached houses and associated garages with all matters reserved

TM/10/00961/OA	Refuse	23 June 2010
	Dismissed on appeal	27 June 2011

Outline Application: Proposed 3 x 3 bedroom detached houses and associated detached garages

TM/14/01062/LDE	Refuse	3 December 2014
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Lawful Development Certificate Existing: Use of land as scrapyard with associated workshop

### **4. Alleged Unauthorised Development:**

- 4.1 The unauthorised change in use of the land from agricultural field to land used as open storage of vehicles, portable office units and associated paraphernalia.

**5. Determining Issues:**

- 5.1 Following refusal of the Lawful Development Certificate (Existing Use) in December 2014 (summarised above), it appears that the use of the site as scrapyards with the associated storage of vehicles, portable office units and associated paraphernalia is continuing. If the Local Planning Authority does not take action to seek the cessation of the use, it may become lawful, due to the duration of the use, in the near future.
- 5.2 Although the decision has recently been taken to refuse to certify that the use of the entire site for such purposes has become lawful, it is considered that a very small area might benefit from an established use based on the evidence that was examined during the assessment of that submission. In other words, evidence suggests that part of the site has been used for such purposes for a continual period in excess of 10 years and as such the use of that area has become 'lawful' in planning terms. It is, therefore, proposed that the enforcement action needs to take effect against the use of the remainder of the site. Officers are currently undertaking a detailed survey of the site with a view to providing a comprehensive plan denoting this situation as part of a Supplementary Report.
- 5.3 The site falls within the Metropolitan Green Belt where there is a presumption against inappropriate development unless very special circumstances can be demonstrated that outweigh the degree of harm caused by the development's inappropriateness and any other harm. The current use of the land is inappropriate by definition as it does not fall within any of the exceptions set out in paragraphs 89 and 90 of the NPPF and as such is considered to be harmful by definition. Furthermore, the nature of the use, particularly the storage of vehicles and associated structures ancillary to the commercial use, causes overt harm to the open function and nature of the Metropolitan Green Belt. The development is, therefore, contrary to paragraphs 87 - 90 of the National Planning Policy Framework ("NPPF") and to policies CP1, CP3, CP14 of the TMBCS 2007.
- 5.4 The site lies within the North Downs AONB. Paragraph 115 of the NPPF requires the LPA to give "great weight" to conserving landscape and scenic beauty in such areas. Policy CP7 of the TMBCS states that development will not be permitted within the AONB which would be detrimental to the natural beauty and quiet enjoyment of the AONB, including landscape, wildlife and geological interest other than in specified exceptional circumstances. The current unauthorised use of the site forms an intrusive feature within the landscape and harms the appearance of the area by way of the introduction of an unacceptable use with the landscape. For this reason, the current use has a detrimental effect on the landscape value of this area by virtue of its urban and unsightly appearance and is contrary to the requirements of paragraph 115 of the NPPF and policy CP7 of the TMBCS.
- 5.5 To prevent a lawful use being established on the whole site and to prevent the ongoing harm caused by the unacceptable use that is occurring, it is considered to be expedient to take enforcement action to seek the cessation of this unauthorised use and for the removal of all associated portable office units and paraphernalia.

**6. Recommendation:**

- 6.1 An Enforcement Notice **BE ISSUED** seeking the cessation of the use of the site for open storage, removal of all vehicles or parts of vehicle and all associated paraphernalia, the removal of any portable office units, the detailed wording of which to be agreed with the Director of Central Services.

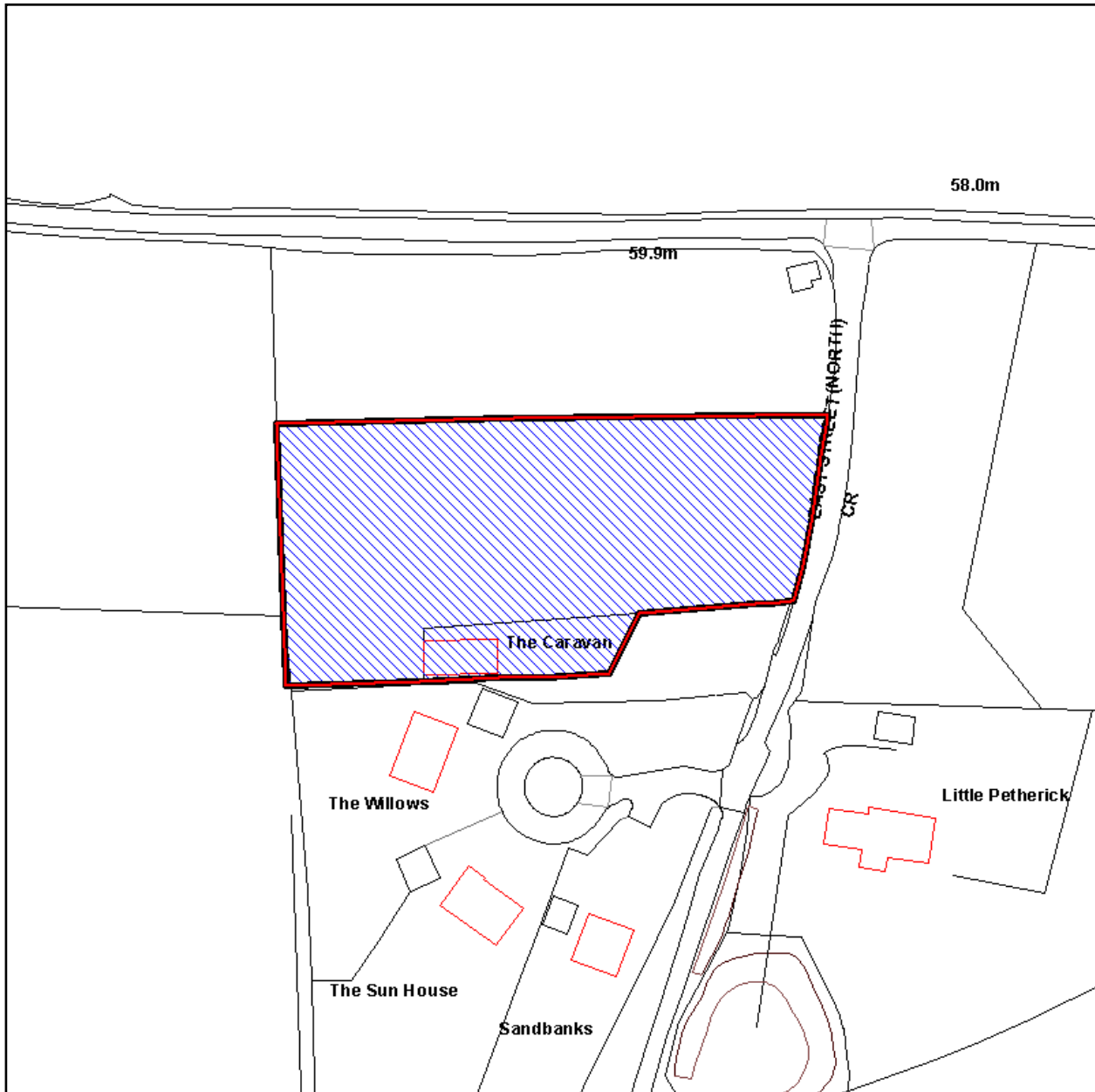
Contact: Richard Edmonds

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**13/00497/USEM**

**The Caravan East Street Addington West Malling Kent ME19 5DH**

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