

# 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)

5 April 2016

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, 13th April, 2016 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

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To confirm as a correct record the Minutes of the meeting of Area 2 Planning Committee held on 2 March 2016

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

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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**

11. 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 S R J Jessel (Vice-Chairman)

Cllr Mrs J A Anderson  
Cllr M A C Balfour  
Cllr Mrs S M Barker  
Cllr R P Betts  
Cllr M A Coffin  
Cllr Mrs S L Luck  
Cllr B J Luker

Cllr P J Montague  
Cllr L J O'Toole  
Cllr S C Perry  
Cllr H S Rogers  
Cllr Miss J L Sergison  
Cllr T B Shaw  
Cllr Miss S O Shrubsole

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## TONBRIDGE AND MALLING BOROUGH COUNCIL

### AREA 2 PLANNING COMMITTEE

Wednesday, 2nd March, 2016

**Present:** Cllr Mrs F A Kemp (Chairman), Cllr Mrs J A Anderson, Cllr Mrs S M Barker, Cllr R P Betts, Cllr M A Coffin, Cllr Mrs S L Luck, Cllr B J Luker, Cllr P J Montague, Cllr S C Perry, Cllr H S Rogers, Cllr Miss J L Sergison, Cllr T B Shaw and Cllr Miss S O Shrubsole

Councillors O C Baldock, N J Heslop, D Lettington and M Taylor were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors S R J Jessel (Vice-Chairman), M A C Balfour and L J O'Toole

### PART 1 - PUBLIC

#### **AP2 16/9 DECLARATIONS OF INTEREST**

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

However in the interests of transparency, Councillor Perry advised the Committee that the applicant of TM/15/03865/FL (Great Oaks House, Puttenden Road, Shipbourne) was known to him in their role of parish councillor. The relationship was not close enough to constitute an Other Significant Interest.

#### **AP2 16/10 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 2 Planning Committee held on 21 January 2016 be approved as a correct record and signed by the Chairman.

The Head of Planning referred to Minute AP2 16/6 (TM/15/03520/RM – The Paddock, Basted Lane, Crouch) and was pleased to advise that the developer had relocated the building in accordance with the request from Members.

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

#### **AP2 16/11 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 16/12 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 requested amendment to the S106 agreement previously negotiated be REFUSED due to the lack of affordable housing provision which was contrary to Policy CP17 of the Tonbridge and Malling Borough Core Strategy.

[Speaker: Mr J Collins – agent]

**AP2 16/13 TM/15/03389/FL - CHURCH CENTRE, CHURCHFIELDS, WEST MALLING**

Proposed conversion of St Mary's Church Centre building to 3 No. residential units, including extensions and alterations; demolition of the former air raid shelter and toilets and construction of a new two storey detached dwelling, vehicular access and car parking at Church Centre, Churchfields, West Malling.

**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, subject to

(1) Amended Conditions:

2. No development of the new house or the existing building to be converted shall take place until relevant 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. Materials will be expected to match the existing building as far as practicable.

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

4. No development of the new house shall take place until a plan showing the proposed finished floor, eaves and ridge levels of the new detached dwelling in relation to the existing levels of the site and adjoining land has been submitted to and approved by the Local Planning Authority. The proposed levels shall be expected to minimise the visual impact of the dwelling and 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.

13. Prior to commencement of the development, a demolition/construction management plan shall be submitted to and approved by the Local Planning Authority and complied with thereafter. This will be expected to comply with the Borough Council's recommended demolition/construction hours under Environmental Protection legislation.

Reason: To ensure that the implementation of the development does not lead to hazardous road conditions or harm amenity.

14. No dwelling shall be occupied until details of a scheme for the storage and screening of refuse and recycling bins within the individual curtilages of the dwellings have been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

Reason: To facilitate the collection of refuse and preserve visual amenity.

(2) Additional Condition:

16. No development of the existing building to be converted shall take place until details of all first floor windows/roof lights facing Churchfields in terms of glazing type, height above floor level and method of opening have been submitted to and approved by the Local Planning Authority. The windows shall be installed as approved and so retained thereafter.

Reason: In the interests of privacy to neighbouring property.

[Speakers: Ms K Rawlinson, Mrs C Innes – on behalf of Ms I MacDonald, Mr R Woodward, Ms J Manning, Revd Cannon A T Vousden, Mrs P Lander, Mr M Christmas and Mrs C Christmas – members of the public; Mr R Selkirk – West Malling Parish Council and Mr D Hudson – agent]

**AP2 16/14 TM/15/03865/FL - GREAT OAKS HOUSE, PUTTENDEN ROAD, SHIPBOURNE**

Proposed conversion of existing stable and hay barn into dwelling house (including new roof and walling to hay barn) with associated creation of domestic curtilage, access and parking facilities at Great Oaks House, Puttenden Road, Shipbourne.

**RESOLVED:** That the application be DEFERRED for a Members' Site Inspection

[Speakers: Mrs K Symonds – speaking on behalf of Mr Gamon, Mr and Mrs Ward, Miss Grimwood, Miss Coates and Mr and Mrs McKissack – members of the public; and Mrs L Cohen – applicant]

**AP2 16/15 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 10.15 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 23 September 2015

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
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
DMPO	Development Management Procedure Order
DPD	Development Plan Document
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 2015
GPDO	Town & Country Planning (General Permitted Development) Order 2015
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
LB	Listed Building (Grade I, II* or II)
LDF	Local Development Framework
LLFA	Lead Local Flood Authority
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
MWLP	Minerals & Waste Local Plan
NE	Natural England
NPPF	National Planning Policy Framework
PC	Parish Council
PD	Permitted Development
POS	Public Open Space
PPG	Planning Policy Guidance
PROW	Public Right Of Way

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
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 (as amended)
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
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

**Ryarsh**                                      **566516 160282**    **13 April 2016**                                      **TM/15/02814/FL**  
Downs And Mereworth

Proposal:                                      Two storey side and rear extension  
Location:                                      Fishpond Cottage Chapel Street Ryarsh West Malling Kent  
    ME19 5JU  
Applicant:                                      Mrs Katy Nunn

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## **1. Description:**

- 1.1 Members will recall this application was previously discussed at the APC2 on the 16 December 2015 (Annex) with the recommendation that officers should negotiate an improved standard of design before reporting back.
- 1.2 This application seeks planning permission for a two storey 'L'-shaped side and rear extension that will wrap around the existing building incorporating a 2 storey extension dating back from the 1950's. The existing single storey side entrance is to be demolished, with the proposed two storey extension projecting a further 4.4 metres from the side wall of the dwelling.
- 1.3 The dwelling is currently a four bedroomed 1 bathroom property. The proposal will result in a six bedroomed, one with en-suite, property.

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

- 2.1 To report on design negotiated by officers.

## **3. The Site:**

- 3.1 The application site lies outside the village confines, within open countryside, the Metropolitan Green Belt and an Area of Outstanding Natural Beauty. The dwelling is a detached building located within a spacious plot. Planning permission was granted for a two storey rear extension in 1949 with an amendment to this for a first floor enlargement granted in 1950.
- 3.2 Workhorse Road borders the site to the west with access to the site gained from Chapel Street to the east. The site borders agricultural land to the south with the nearest residential property being Heavers House to the north east.

## **4. Planning History (relevant):**

TM/49/10218/OLD    grant with conditions                                      22 September 1949

Addition of Bedroom and kitchen to Fishpond Cottage.

TM/50/10299/OLD grant with conditions 25 May 1950

Additions of bathroom, kitchen etc.

TM/64/10764/OLD Refuse 20 February 1964

Erection of two dwellings, garages and vehicular accesses.

TM/72/10728/OLD grant with conditions 10 August 1972

Store and garage.

TM/14/01039/FL Refuse 9 May 2014

Two storey side and rear extension

## **5. Consultees:**

5.1 PC: No objection to the application.

5.2 Private Reps (2/0S/0R/0X + Site notice): No representations received.

5.3 No further consultation undertaken on revised scheme.

## **6. Determining Issues:**

6.1 This application was first reported to the Area 2 Planning Committee on the 16 December 2015. The officer recommendation for this application was for refusal as it was considered that due to the size and design of the proposed extension and the modest size of the host dwelling it would result in inappropriate development within the Green Belt, Countryside and AONB. Members resolved that officers negotiate an improved design with the applicant.

6.2 The revised drawings that have been received seek approval for an extension of a similar footprint to that previously submitted; however they propose a more squared floor area simplifying the south and the west elevation and the roof structure. In addition to this the eaves height of the extension is to be lower to match the existing (albeit modest) eaves height of the host dwelling with the inclusion of half and quarter hips.

6.3 At this time the amended plans that have been received have a minor error on the drawing in relation to the roof line of the existing flat roof extension visible from the south elevation. It is envisaged that this will be corrected before the committee meeting.

- 6.4 Although the principle of the previous scheme has been discussed before, for clarity I will assess the revised proposal against the relevant planning policy.
- 6.5 The application site lies within the Green Belt and therefore Section 9 of the NPPF applies. Paragraph 89 states that the construction of new buildings should be regarded as inappropriate in the Green Belt. However, there are exceptions and one of these includes the extension or alteration of an existing building provided that it does not result in disproportionate additions over and above the size of the original building. Policy CP3 of the TMBCS requires proposed development within the Green Belt to comply with National Policy.
- 6.6 For the purpose of making an assessment as to whether the proposed extension to the building would be a proportionate addition it must be considered against the size of the original building (as it stood in 1948) with the extension considered in addition to the existing two storey extension granted permission in 1949/1950. The proposed extensions in addition to those previously constructed would double the size of the original dwellinghouse in terms of footprint which, in my view, would not be seen as a proportionate addition.
- 6.7 Paragraph 87 of the NPPF sets out that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless the harm to the Green Belt is clearly outweighed by other considerations or that the proposal would not result in substantial harm to the Green Belt. The revised plans that have been submitted propose a lower ridge height of the extension, lower eaves height to better match that of the original dwellinghouse and a more simplified design which would go some way to reducing the bulk of the proposed additions.
- 6.8 Although changes have been made that would reduce the impact of the proposal on the Green Belt, in this case it is my view that it would not reduce the impact to a degree that would outweigh the harm by inappropriateness to the Green Belt or that would be considered a case of very special circumstances. When considering this application Members may wish to reach a view on whether very special circumstances should be applied in this case, certainly in light of a design improvement which will mask a poorly designed 2-storey flat roof extension.
- 6.9 Paragraph 115 of the NPPF requires weight to be given to conserving landscape and scenic beauty in AONB, which have the highest status of protection in relation to landscape and scenic beauty. Policy CP7 of the TMBCS states that development will not be permitted which would be detrimental to the natural beauty and quiet enjoyment of the AONB. The design of the proposal is such that I do not consider that it would have an adverse impact on the AONB.
- 6.10 The application site is located outside the village confines and therefore the development should be assessed against policy CP14 of the TMBCS. Policy CP14 sets out to restrict inappropriate development in the countryside but allows for the appropriate extension to an existing dwellinghouse. It also states that within the

Green Belt inappropriate development which is otherwise acceptable within the terms of policy CP14 must still be justified by very special circumstances. For the reasons given above, I do not consider this to be the case in this instance.

- 6.11 More generally, policy CP24 of the TMBCS requires all development proposals to be well designed and of a high quality. It also requires proposals to be designed to respect the site and its surroundings in terms of scale, layout, siting, character and appearance and safety of the area. Again, notwithstanding the issues discussed above, I do not consider the extension would result in harm to the character of the host dwelling or the surrounding area. Equally, the separation that exists between the cottage and its nearest neighbours would ensure that there would be no impact to residential amenity arising from the proposed development.
- 6.12 In conclusion, although the revised design would be an improvement over the previously submitted scheme, the proposed development would still be considered inappropriate by definition and would cause material harm to the openness of the Green Belt. It is my view that no very special circumstances have been identified to outweigh that harm and as such I therefore recommend that planning permission be refused.

## **7. Recommendation:**

### **7.1 Refuse Planning Permission** for the following reason:

#### **Reason**

- 1 The site lies within the Metropolitan Green Belt where there is a strong presumption against permitting inappropriate development, as defined in Paragraph 89 of the National Planning Policy Framework 2012. The proposed extension when viewed cumulatively with previous additions to the building would be disproportionate in size to the original dwelling and therefore constitutes inappropriate development which is harmful by definition to the Green Belt. The extension by virtue of its overall size and specific siting would also cause material harm to the openness Green Belt. No very special circumstances exist that outweigh the identified harm to the Green Belt. The proposed development is therefore contrary to the requirements of Paragraphs 87 and 89 of the National Planning Policy Framework 2012 and policy CP3 of the Tonbridge and Malling Borough Core Strategy 2007.

Contact: Paul Batchelor





TM/64/10764/OLD Refuse 20 February 1964

Erection of two dwellings, garages and vehicular accesses.

TM/72/10728/OLD grant with conditions 10 August 1972

Store and garage.

TM/14/01039/FL Refuse 9 May 2014

Two storey side and rear extension

## 5. Consultees:

5.1 PC: No objection to the application.

5.2 Private Reps (2/0S/0R/0X + Site notice): No representations received.

## 6. Determining Issues:

6.1 The application site lies within the Green Belt and therefore Section 9 of the NPPF applies. Paragraph 89 states that the construction of new buildings should be regarded as inappropriate in the Green Belt. However, there are exceptions and one of these includes the extension or alteration of an existing building provided that it does not result in disproportionate additions over and above the size of the original building. Policy CP3 of the TMBCS requires proposed development within the Green Belt to comply with National Policy.

6.2 For the purpose of making an assessment into whether the proposed extension to the building would be a proportionate addition it must be considered against the size of the original building (as it stood in 1948). Since that time the two storey rear extension has been added to the building (granted permission in 1949/1950). As such, the extension now proposed must be viewed cumulatively with that previous extension, irrespective of the amount of time it has remained in situ.

6.3 The proposed extensions in addition to those previously constructed would effectively double the size of the original dwellinghouse in terms of footprint. Furthermore, there would be a substantial increase in bulk arising from the two storey addition proposed. I therefore consider that the extensions would amount to a disproportionate addition to the original building, therefore constituting inappropriate development which is harmful by definition and should not be approved except in very special circumstances.

6.4 Furthermore, I consider that the particular siting and scale of the extensions, combined with the open character of the site itself, would cause harm to the open nature of the Green Belt at this point.

- 
- 6.5 Paragraph 87 of the NPPF sets out that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless the harm to the Green Belt (as identified above in this case) is clearly outweighed by other considerations. This is a high threshold to overcome and I can find no very special circumstances that exist in this case to outweigh the identified harm to the Green Belt.
- 6.6 Paragraph 115 of the NPPF requires weight to be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. Policy CP7 of the TMBCS states that development will not be permitted which would be detrimental to the natural beauty and quiet enjoyment of the AONB. The design of the proposal is such that I do not consider that it would have an adverse impact on the AONB.
- 6.7 More generally, policy CP24 of the TMBCS requires all development proposals to be well designed and of a high quality. It also requires proposals to be designed to respect the site and its surroundings in terms of scale, layout, siting, character and appearance and safety of the area. Notwithstanding the issues discussed above, the extensions themselves when viewed as a standalone development would not cause any visual harm to the appearance of the building itself. Equally, the separation that exists between the cottage and its nearest neighbours would ensure that there would be no impact to residential amenity arising from the proposed development.
- 6.8 These factors however do not amount to very special circumstances in terms of overriding the principle objection to the development in Green Belt terms.
- 6.9 It should also be noted that the site is located outside the village confines and therefore the development should be assessed against policy CP14 of the TMBCS. Policy CP14 sets out to restrict inappropriate development in the countryside but allows for the appropriate extension to an existing dwellinghouse. It also states that within the Green Belt inappropriate development which is otherwise acceptable within the terms of policy CP14 must still be justified by very special circumstances. For the reasons given above, I do not consider this to be the case in this instance.
- 6.10 In conclusion, the proposed development is inappropriate by definition and would cause material harm to the openness of the Green Belt. No very special circumstances have been identified to outweigh that harm and as such I therefore recommend that planning permission be refused.

## **7. Recommendation:**

- 7.1 **Refuse planning permission** for the following reason:

**Reason**

- 1 The site lies within the Metropolitan Green Belt where there is a strong presumption against permitting inappropriate development, as defined in Paragraph 89 of the National Planning Policy Framework 2012. The proposed extension when viewed cumulatively with previous additions to the building would be disproportionate in size to the original dwelling and therefore constitutes inappropriate development which is harmful by definition to the Green Belt. The extension by virtue of its overall size and specific siting would also cause material harm to the openness Green Belt. No very special circumstances exist that outweigh the identified harm to the Green Belt. The proposed development is therefore contrary to the requirements of Paragraphs 87 and 89 of the National Planning Policy Framework 2012 and policy CP3 of the Tonbridge and Malling Borough Core Strategy 2007.

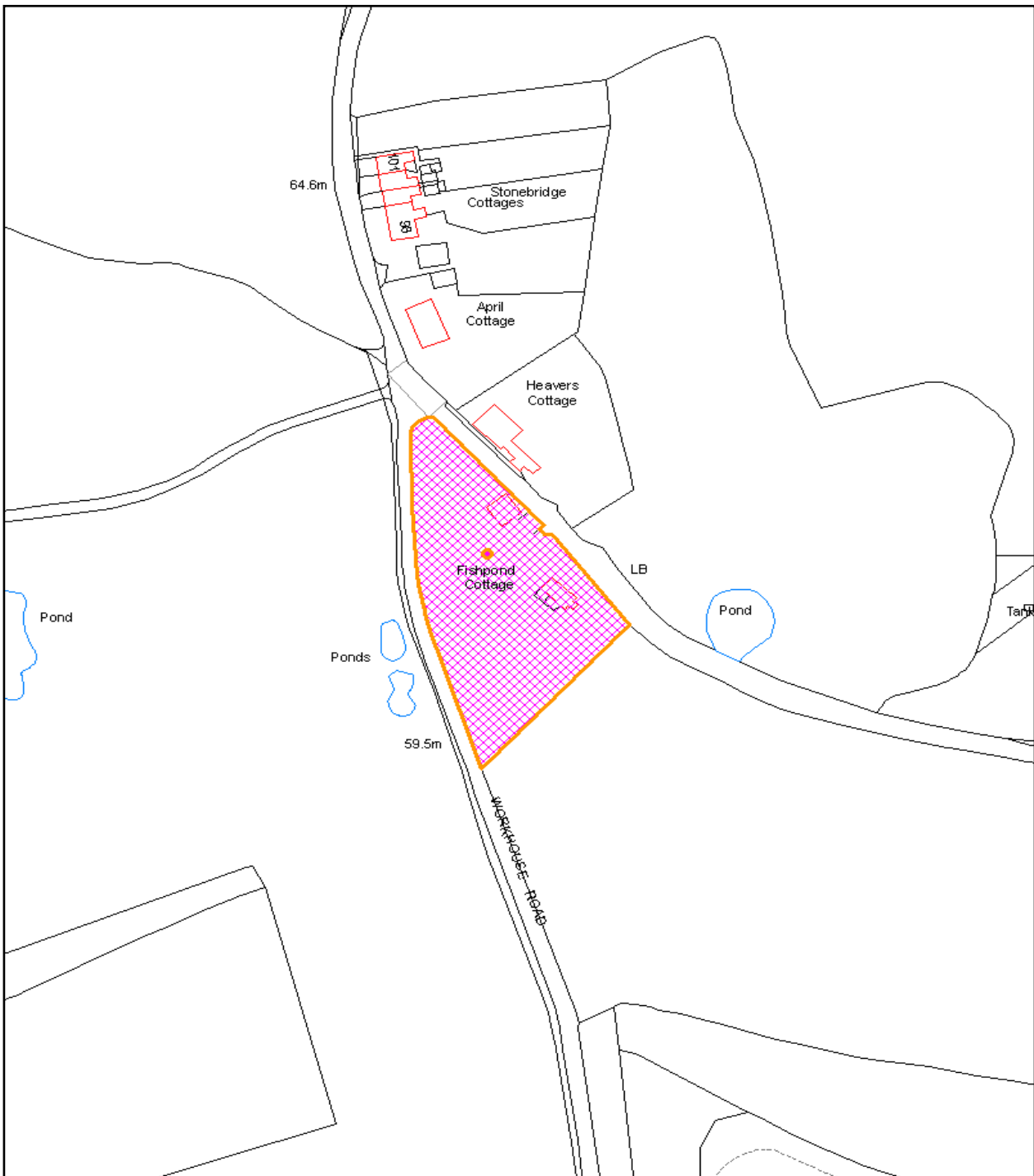
Contact: Paul Batchelor

**TM/15/02814/FL**

Fishpond Cottage Chapel Street Ryarsh West Malling Kent ME19 5JU

Two storey side and rear extension

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<b>Shipbourne</b>	<b>560777</b>	<b>9 December 2015</b>	<b>TM/15/03865/FL</b>
Borough Green And Long Mill	<b>151813</b>		

Proposal:	Proposed conversion of existing stable and hay barn into 3 bedroom dwelling house (including new roof and walling to hay barn) with associated creation of domestic curtilage, access and parking facilities
Location:	Great Oaks House Puttenden Road Shipbourne Tonbridge Kent TN11 9RX
Applicant:	Mrs L Cohen

**1. Description:**

1.1 This application was originally reported to APC2 on 2 March 2016 when it was deferred to enable a Member’s Site Inspection, approved to take place on 11 April 2016. Copies of the Committee and Supplementary report are annexed for ease of information.

**2. Determining Issues:**

- 2.1 The matters arising from the Member’s Site Inspection itself will be addressed within the Supplementary Report.
- 2.2 The applicant has made comment to the report to the APC2 for 2 March, so I shall address these concerns.
- 2.3 The applicant considers that the proposal should be considered against paragraph 89 of the NPPF, rather than paragraph 90 of the NPPF, on the basis that it is proposed to demolish and replace the existing hay barn, and significantly alter the existing stable building. Notwithstanding this, the description of the proposal on the submitted application form was for the *proposed conversion of existing stable and hay barn into dwellinghouse (including new roof and walling to hay barn) with associated creation of domestic curtilage and access and parking facilities.*
- 2.4 Paragraph 89 of the NPPF advises that the construction of new buildings is inappropriate development in the Green Belt. However, it lists a number of exceptions to this. The applicant believes that this proposal falls under the last of these listed exceptions – *the limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*
- 2.5 Within a recent High Court case (*Dartford Borough Council v Secretary of State for Communities and Local Government*) it was determined that outside of the built confines the definition of previously developed land in the NPPF the exclusion of

private residential gardens, parks, recreation grounds and allotments does not apply outside of built up areas.

- 2.6 Part of the application site (forward of the structures themselves) was subject to a Lawful Development Certificate (Existing) for use of land as a garden for the purposes incidental to the enjoyment of the dwellinghouse (TM/12/00189/LDE). This was allowed at appeal. Therefore, in light of this and the recent High Court decision I am of the opinion that the land is brownfield land. It is proposed that this part of the application site would form the garden for the new dwelling.
- 2.7 The existing stable building and hay barn are not within the residential curtilage and therefore do not benefit from the status of previously developed land afforded to the existing garden.
- 2.8 The proposal will not increase the overall ridge height of the building. However, it is proposed to increase the pitch of the rear of the roofslope of the existing stable building to be of a greater pitch, so as to form a catslide roof over the rear of the stable building and the hay barn. The applicant considers it to be misleading to describe the stable as 'single storey' but the conversion to be a '2 storey' residential dwelling as there is no increase in overall height of the roof. The plans clearly show the proposed development to have 2 storeys, and it is the new roof shape which facilitates a first floor, both due to its doubling the useable floor area and allowing head height to accommodate the staircase, which would result in an increase in bulk of 19% from the existing bulk. This increase in bulk at roof level will have a significant impact on the openness of the Green Belt.
- 2.9 Following on from this approach of considering the proposal in relation to paragraph 89 of the NPPF, Policy DC2 of the MDE DPD applies to the development. Policy DC2 of the MDE DPD allows replacement buildings in the countryside, subject to a number of criteria, none of which apply to the proposal. Policy CP14 of the TMBCS relates to appropriate development in the countryside. The proposal does not fall into any of the listed categories. Therefore, the proposal constitutes inappropriate development in the countryside.
- 2.10 The applicant makes the point within their letter that they consider the proposal to constitute sustainable development. However, part of the test for a sustainable development is whether the proposal lies in a sustainable location. The proposed dwelling would be remote from local service centres. There would be limited scope for residents to walk, cycle or use public transport. Puttenden Road is a narrow rural lane, with no pavements. Whilst a similar point may apply to recent nearby approvals at Hookwood Orchard and No. 3 Silverhill Cottages, however there were different reasons, as set out below.
- 2.11 The applicant has confirmed that a paddock lies to the north-west of the site, not an agricultural field as described in my previous report.



- 2.12 The applicant has advised that no new domestic paraphernalia will be introduced as the site is currently used as part of Great Oaks House curtilage. However, the creation of an additional dwelling will increase the probability of additional domestic paraphernalia being introduced.
- 2.13 At the previous committee meeting reference was made to similar cases nearby which should be taken into consideration.
- 2.14 Hookwood Orchard (TM/15/00850/FL -Extension and conversion of existing agricultural barn to provide a three bedroom dwelling together with the demolition of three remaining agricultural buildings and the erection of detached garage) was discussed in the previous Committee report, and this scheme was superseded by TM/15/02484/FL (Demolition of existing farm buildings and outbuildings, the construction of a three bedroom dwelling house with detached garage). However, this basis for the decision remains the same as in my previous report. The scheme was approved largely on the basis that the resulting building which would have been a lot smaller than the existing and that the proposal would improve the appearance of an untidy site. TM/15/00850/FL was for the conversion of the existing building, whereas TM/15/02484/FL was for a replacement building.
- 2.15 No. 3 Silverhill Cottages (TM/14/04200/FL) approved the demolition of all livery stables, detached garage/ store, shed building, concrete hardstandings and erection of a detached dwelling and garage/ stable block. Whilst the proposal provided an increase in volume and height from the existing, which was recognised as being “inappropriate development”, the proposal provided a substantial improvement to the appearance and visual amenity of the site. It included the loss of a commercial livery stables which is a benefit not presented by this application - essentially the Silverhill site as a commercial livery enjoys a different policy in the NPPF to the type of buildings in this application.
- 2.16 The applicant has cited an approval outside of the Borough by way of comparison, within the South Downs National Park. This lies outside of the Borough where different policies apply and as such is not comparable. They have also suggested that a proposal in Yopps Green (Variation of condition 1 of planning permission ref. TM/00/00529/FL (internal and external alterations and extension to existing store) being extension of time period)(TM/05/01233) was comparable. However, given the age of this consent 16 years ago, there has been an update of policy since this time, and therefore this proposal is not comparable.
- 2.17 Ryarsh Farm (TM/15/02445/FL) allowed the demolition and removal of existing commercial livery barns and portakabins and the replacement with a new Class B8 storage unit with ancillary B1 office. This case differed from the application case in a number of ways, in particular that the site was previously used as a commercial livery, and that the proposal would consolidate a number of dispersed buildings and would tidy up the site.

2.18 In light of the above, I do not consider there to be any very special circumstances to override the policy objection.

**3. Recommendation:**

**3.1 Refuse:**

**Reasons**

1. The site lies within the Metropolitan Green Belt where there is a strong presumption against permitting inappropriate development, as defined by paragraph 87 of the National Planning Policy Framework 2012. The proposal would involve the partial redevelopment of a previously developed site (brownfield land), but would have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development, and would therefore be contrary to paragraph 87 of the NPPF.

Contact: Glenda Egerton

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**Report from 2 March 2016**

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**Shipbourne**                      **560777**                      **9 December 2015**                      **TM/15/03865/FL**  
Borough Green And              **151813**

Proposal:                      Proposed conversion of existing stable and hay barn into dwelling house (including new roof and walling to hay barn) with associated creation of domestic curtilage, access and parking facilities

Location:                      Great Oaks House Puttenden Road Shipbourne Tonbridge Kent TN11 9RX

Applicant:                      Mrs L Cohen

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**1. Description:**

- 1.1 The proposal seeks planning permission for the conversion of the existing single storey stable and hay barn building into a 2 storey residential dwelling, with reconstruction of the hay barn and a new gable ended pitched roof over the whole building where there is a current part pitched and part flat roof. The new roof will cantilever out to result in a covered rear porch. There will be a cut-out dormer on the rear roof face.
- 1.2 The converted stable building will provide accommodation consisting of living/dining/kitchen and 3 bedrooms, together with ensuite bathroom and shower room. Within the stable building, it is proposed to reuse the existing door openings on the south-east elevation.
- 1.3 Access to the proposed dwelling would be provided via an existing field access that connects with Puttenden Road and currently serves the stables and adjacent fields. Vehicle parking is shown to be provided by a new area of gravel hardstanding to the front of the buildings. A small curtilage would be provided around the new dwelling.
- 1.4 It is proposed to remove the existing corrugated roof and replace it with natural slate. It is proposed to replace the softwood windows with powder coated aluminium.
- 1.5 The residential curtilage of the converted building would extend to the rear of the building by 3.5m, but the main garden area would lie to the north-east of the building.

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

- 2.1 At the request of Councillors Shaw and Taylor, on the grounds of continuity because of similar works in the vicinity.

### 3. The Site:

- 3.1 The site comprises a disused stable building and hay barn. To the front of this lies a grassed area of land, with mature ornamental vegetation located towards the north-eastern and south-eastern boundaries. It lies within land owned by Great Oaks House, but not predominantly residential curtilage.
- 3.2 To the north-west of the site lies an open agricultural field, also falling within the ownership of the applicant.
- 3.3 The site lies within the open countryside and MGB. The site is also within an AONB and AAP.

### 4. Planning History (relevant):

TM/00/00853/FL	Grant With Conditions	13 June 2000
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Erection of conservatory to the rear

TM/75/11352/FUL	grant with conditions	4 April 1975
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Stables.

TM/77/10355/FUL	grant with conditions	9 August 1977
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Erection of Hay Store.

TM/12/00189/LDE	Refuse	11 June 2012
	Appeal Allowed (on smaller area)	9 September 2013

Lawful Development Certificate for existing use of land as residential curtilage

### 5. Consultees:

- 5.1 PC: No objection
- 5.2 Private Reps (2/0X/5S/0R + Site Notice): 5 letters of support received.

### 6. Determining Issues:

- 6.1 The main issues are whether the proposal would be inappropriate development in the Green Belt, whether the building is capable of acceptable conversion to a dwelling and whether the conversion and proposed external alterations to the

building would adversely affect the AONB or the visual amenity of the broader rural locality.

- 6.2 The application site is in the Green Belt and therefore Section 9 of the NPPF applies. Within this Section paragraph 90 advises that the re-use of buildings that are of permanent and substantial construction, along with engineering operations, are a certain form of development that is not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. I consider that a conversion of an existing building and retaining of the land around the building would, in principle, meet this provision. However, for this specific proposal, the hay barn would require substantial reconstruction and alteration and a new roof is proposed over the stable building. This new roof results in a volume increase of over 50%. That is not an exception under paragraph 90 and would therefore be inappropriate development in the Green Belt. This is reflected by Policy CP3 of the TMBCS.
- 6.3 Policy CP14 of the TMBCS restricts development in the countryside to specific development listed in the policy. One of these is the conversion of an existing building for residential use. However, the proposal would not comply with this policy given that the proposal would involve substantial/major reconstruction.
- 6.4 Policy DC1 of the MDEDPD relates to the re-use of rural buildings. Parts 1 and 2 of this policy are relevant to this proposal. These are addressed below.
- 6.5 The applicant has not submitted a Structural Survey with the application. However, paragraph 7.2 of the submitted Planning, Design and Access Statement acknowledges that the hay barn structure would need substantial reconstruction and alteration and that a new roof over the dwelling would be required. The hay barn consists of approximately half of the existing built form, and therefore I am of the opinion that it can be concluded that the proposal is contrary to paragraph 90 of the NPPF and DC1 of the MDE DPD. The proposed new roof would be at a greater pitch on the rear of the proposed building and this would also create increased volume to the building that indicates the building is not being “converted” in the true sense of the word.
- 6.6 It is proposed to replace the existing stable doors at the front of the building with large windows and put a mock-weatherboarded door next to each of these windows, to create the appearance of open stable doors. Whilst timber doors would be preferable, I am of the opinion that this would not harm the character and appearance of the existing building sufficient to be another reason for refusal.
- 6.7 The building is well separated from Great Oaks House and The Stables and visually well screened by a high wall. The proposal would therefore be acceptable in terms of residential amenity. There are a number of residential dwellings near to the application site. The proposal would not result in a loss of privacy or light to the neighbouring properties.

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- 6.8 It is proposed to use the existing access onto Puttenden Road. Given the existing use, I am of the opinion that the proposed dwelling would not result in any additional highway impact. The proposal shows sufficient off-street parking provision to accord with Kent Vehicle Parking Interim Guidance Note 3, along with sufficient turning space.
- 6.9 The proposed use will not affect any surrounding agricultural land holding. Some additional hedging is proposed. The visual impact of these hedges would not be out of place with this rural locality.
- 6.10 A Bat Building Survey has been submitted, prepared by Martin Newcombe Wildlife Management Consultancy. The survey concludes that the buildings are dry and well-ventilated, producing a poor habitat for roosting bats. One bat dropping was found when exploring the stables, and it is likely that this was from a bat exploring the stables. The report considered the possibility of other wildlife being present. There were no suitable adjacent hedges suitable for use by dormice, or ponds suitable for great crested newts in the vicinity of the survey site, and no badger setts or field evidence in the area. The grass around the survey site had been regularly cut and was totally unusable by common reptiles. As a result of these findings it was considered that the proposal would be unlikely to impact upon protected species, although the report did recommend ecological enhancement measures.
- 6.11 The stable building and hay barn are not listed buildings, and not within the Conservation Area.
- 6.12 The proposal is sited next to an existing residential property and surrounded by adjacent garden land. The proposed curtilage comprises a sufficiently modest and relatively contained area. Whilst the screening from the highway would minimise the impact of the normal domestic paraphernalia on the rural character of the area, it will still introduce domestic paraphernalia into the area.
- 6.13 Paragraph 55 of the NPPF advises that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and that new isolated homes in the countryside should be avoided unless there are special circumstances. In this case, the proposed new dwelling would be isolated in that it would be outside of any nearby settlement. However, the development would re-use a redundant building.
- 6.14 Policy CP24 of the TMBCS requires development to be of a high quality and be well designed to respect the site and its surroundings in terms of its scale, layout, siting, character and appearance. Policy SQ1 of the MDE DPD advises that new development should protect, conserve and, where possible, enhance the character and local distinctiveness of the area.
- 6.15 The external alterations to the front of the building will retain the rural stable appearance of the existing stable building. Given that the hay barn will need to be

rebuilt, and a new, higher pitched roof is proposed to the rear of the stable building, the main visual change resulting from the proposal would be to the rear of the building. This new roof results in a volume increase of over 50%. I am of the opinion that the proposal will appear more bulky in appearance than the existing building and would appear less rural, therefore out of keeping with the surrounding rural locality and openness of the Metropolitan Green Belt. The proposed changes to the rear are fairly contemporary. Whilst these changes will result in a building that would be less rural in character, when viewed from the rear, on balance I am of the opinion that the proposal will not have a significantly detrimental impact upon the character of the building and would not be contrary to Policy CP24 of the TMBCS.

- 6.16 Given the relatively small scale of the development, the proposal would not, in my view, adversely affect the natural beauty and quiet enjoyment of the AONB. The proposal would therefore satisfy policy CP7 of the TMBCS.
- 6.17 I have considered other consents which may be able to be considered to be similar to this proposal. Relatively close to the site, planning permission has been given for the extension and conversion of existing agricultural barn to provide a three bedroom dwelling together with the demolition of three remaining agricultural buildings and the erection of detached garage at land adjacent to Hookwood Orchard, Puttenden Road (TM/15/00850/FL). This was approved largely on the basis that the resulting building would have been a lot smaller than the existing and that the proposal would improve the appearance of an untidy site.
- 6.18 Also, a proposal for the conversion of equestrian buildings to form 1 no. residential dwelling and associated works at land opposite Highlands Farm, Horns Lane, Mereworth (TM/15/01576/FL), was refused planning permission at Area 2 Planning Committee on 19 August 2015. One of the reasons for this decision was that the buildings could not be converted into a dwellinghouse without major reconstruction and extension, and would therefore be inappropriate in the Green Belt and countryside.
- 6.19 In light of the above considerations, I am of the opinion that the proposal is contrary to paragraph 90 of the NPPF and Policy DC1 of the MDE DPD, in that the existing buildings that are proposed to be re-used are not all of permanent and substantial construction and that the hay barn structure would need substantial reconstruction and alteration and that a new roof over the dwelling would be required. I can see no inconsistencies in these decisions and it must be remembered that cases should be determined on their merits. In light of this, it is recommended that the application be refused.

## **7. Recommendation:**

### **7.1 Refuse**

- 1 The site lies within the Metropolitan Green Belt where there is a strong presumption against permitting inappropriate development, as defined by paragraph 87 of the National Planning Policy Framework 2012. The proposal would involve substantial reconstruction and enlargement of a rural building. The proposed development therefore constitutes inappropriate development and would therefore be contrary to paragraph 90 of the National Planning Policy Framework 2012, policy CP3 of the Tonbridge and Malling Borough Core Strategy 2007 and policy DC1 of the Tonbridge and Malling Borough Managing Development and the Environment DPD 2010. No very special circumstances or material considerations are considered to outweigh the harm.

Contact: Glenda Egerton



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SUPPLEMENTARY REPORTS

AREA 2 PLANNING COMMITTEE

DATED 2 March 2016

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**Shipbourne                      TM/15/03865/FL**  
**Borough Green & Long Mill**

**Proposed conversion of existing stable and hay barn into dwelling house (including new roof and walling to hay barn) with associated creation of domestic curtilage, access and parking facilities at Great Oaks House Puttenden Road Shipbourne for Mrs L Cohen**

**Applicant:** A further letter and comparison plan has been received from the applicant who is concerned that there are a number of inaccuracies in the main committee report.

**Private Reps:** There have been a total of six letters of support received.

**DPHEH:** The proposal will not increase the overall ridge height of the building. However, it is proposed to increase the pitch of the rear of the roofslope of the existing stable building to be of a greater pitch, so as to form a catslide roof over the rear of the stable building and the hay barn.

The applicant has clarified that the land to the north-west of the site is equestrian paddock land, in association with the stables and hay barn.

The applicant has raised an inaccuracy in the main committee report, in relation to paragraph 6.2, which states that the new roof will result in a volume increase of 50%. I think that it is fair to say that the increase in volume that would result from the new roofslope would be approximately 19%. The applicant has stated that their calculations of the existing hay barn and stable are 482 cubic metres, and the proposed volume is 576 cubic metres. However, given that the hay barn would require substantial reconstruction and alteration and a new roof is proposed over the stable building means that the proposal is not an exception under paragraph 90 and would therefore be inappropriate development in the Green Belt. This is reflected by Policy CP3 of the TMBCS.

**RECOMMENDATION REMAINS UNCHANGED.**

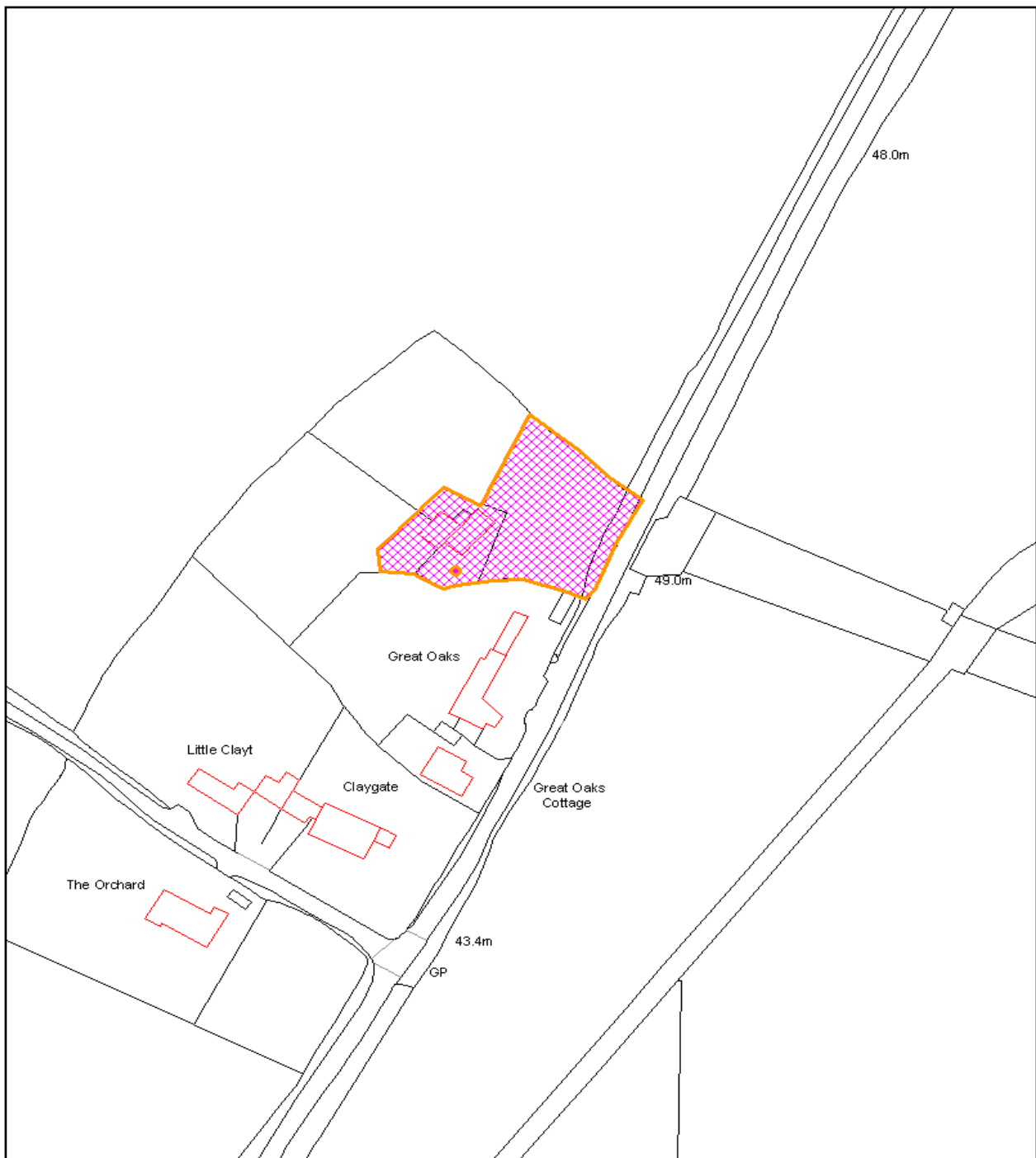
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**TM/15/03865/FL**

Great Oaks House Puttenden Road Shipbourne Tonbridge Kent TN11 9RX

Proposed conversion of existing stable and hay barn into dwelling house (including new roof and walling to hay barn) with associated creation of domestic curtilage, access and parking facilities

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*Reason: In the interests of safeguarding the visual amenities of the site, which falls within the open countryside, the Metropolitan Green Belt and because an over intensive use of the site could give rise to additional undue highway hazards, in accordance with paragraphs 17 and 28 of the National Planning Policy Framework 2012 and Policies CP1, CP3, CP14 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007.*

- 1.2 The section 73 application TM/15/03045/FL was granted by removal of the contested condition 1(c) but it was considered that this would have knock-on consequences for condition 2 so it was resolved at that stage to add further refinement to condition 2 to ensure adequate control commensurate with the use of the site primarily for tourism.
- 1.3 The agent has expressed concern with the changes to condition 2 which went beyond what was explicitly applied for. This current application is therefore a resubmitted Section 73 application which seeks to resist the changes to condition 2 made by the Council in the determination of TM/15/03045/FL.
- 1.4 Condition 2 on TM/13/00081/FL reads:

*(i) the caravans shall be occupied for holiday purposes only with the exception of a maximum of 18 pitches that may be occupied at any one time as temporary accommodation by locally employed workers on fixed term contracts of employment;*

*(ii) the caravans shall not be occupied as a person's sole, or main place of residence;*

*(iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.*

*Reason: To ensure the site is not used for unauthorised permanent residential occupation which would be inappropriate in the Green Belt or outside settlement confines and so thereby contrary to paragraphs 17 and 28 of the National Planning Policy Framework 2012 and Policies CP3 and CP14 of the Tonbridge and Malling Borough Core Strategy 2007.*

- 1.5 Condition 2 on TM/15/03045/FL reads:
  - (i) No caravan shall be occupied as a person's sole, or main place of residence*
  - (ii) the caravans shall be occupied for holiday purposes only with the exception of a maximum of 18 touring caravans on workers pitches*

*(iii) the workers pitches may be occupied only as temporary accommodation by locally employed workers on fixed term contracts of employment*

*(iv) the owners/operators of the caravan site shall maintain an up-to-date register of the names of all owners/occupiers/guests of individual caravans on the site, and of their main home addresses and the intended time and duration of the occupation.*

*(v) In respect of the workers pitches, the register shall also include details of the location of employment and length of the fixed term contract of employment.*

*(vi) The information in the register shall be made available at all reasonable times to the Local Planning Authority.*

*Reason: To ensure the site is not used for unauthorised permanent residential occupation which would be inappropriate in the Green Belt or outside settlement confines and so thereby contrary to paragraphs 17 and 28 of the National Planning Policy Framework 2012 and Policies CP3 and CP14 of the Tonbridge and Malling Borough Core Strategy 2007.*

1.6 Objections to the new wording of condition 2 by the agent are in a supporting statement, summarised below:

- Any new conditions would have to be in response to the nature of the changes brought about by the changes to the condition(s) which the application seeks to vary - it is not intended to offer an opportunity to fundamentally review the whole issue, impose onerous new conditions or materially alter the nature of the original approval.
- The changes were not in the Committee papers published ahead of the meeting but added with little consideration as to whether such changes could reasonably be justified in the context of the application being determined which was to make beneficial use of existing static caravans during February.
- They place additional controls over the way the site can be used. If necessary, they should have been put on many years ago - further onerous and unnecessary controls are unacceptable and serve no good planning purpose.
- Planning Practice Guidance on the use of conditions requires that any amended/new conditions do not materially alter the development that was subject to the original permission – the use of the static caravans has been constrained so as to be materially different from that already allowed for by the extant consent. As long as the 18 unit threshold is not exceeded, there is no difference in planning terms if some are using touring vans and some use the hire fleet.

- In the post New Year period, holiday bookings are modest but the facilities offered in a fully winterised static caravan are so much better compared to a tourer both in terms of user comfort and overall sustainability (lower heating costs/no caravan towing movements to/from the site etc). Off-site impacts are lower for statics than with tourers.
- Will benefit the business/local economy with no unacceptable impacts/effect on the Green Belt.
- The conditions on the extant consent and site licence will ensure that the site is used appropriately and not as anyone's full time residence which is in line with general policy including the NPPF.
- That all guests of the main users of the caravans have to be logged in and out is perverse – this approach has been adopted anywhere else and this park has been singled out - does it matter, say, if grandparents are having their children down for the day or grandchildren for a couple of weeks?
- Making the register difficult to administer serves no beneficial purpose beyond the form of control already in place.
- The changes fail various of the 'tests' relevant to judging if conditions are reasonable/enforceable. It is simply too late to move the goalposts by imposing something disproportionate with and unrelated to what is effectively a modest change in the way part of an approved caravan park operates which gives rise to no demonstrable harm whatsoever.

The agent has made a follow up statement summarised below:

- the site was approved as a caravan park without any limit in terms of use by workers but sought to ensure the site was not used to provide permanent residential accommodation.
- Static caravans were first allowed on site by way of a 1994 planning permission. Up to and including the 2001 permission increasing static numbers to 30, the whole site could still be used excepting the TPO areas with the static area being limited to that approved and only the statics being limited to holiday use. The plan submitted then was only relevant in defining where the static vans were to go.
- this 2001 permission remains extant and capable of being a fallback option for this site – as long as the park is not used in February in the future and the statics are used for holiday purposes.
- it seems ironic that the LPA 'has been more than reasonable in allowing that form of occupation' when 150 pitches always could be used for such purposes albeit for 11 months only.



- From 2010 everything here has been a greater struggle than it should have been, contrary to everything that was happening elsewhere and as supported by government policy guidance.
- when year round use was sought again in 2011 TMBC endeavoured to impose a fresh raft of conditions way out of proportion with what was being sought to impose wide ranging controls which were not previously in place and difficult to justify in the circumstances of the application.
- The current application arose as a consequence of a last minute Committee update which no one had the courtesy to run past the applicant beforehand and which imposed a further set of unjustified constraints.
- To suggest bringing a touring van to site in winter - even if fully winterised – involves unnecessary caravan towing movements and inherently use of a less thermally insulated /heating and hot water efficient and lower general comfort levels touring caravans: the option is to utilise an otherwise empty hire fleet caravan with greater comfort levels, no caravan towing
- In any common-sense evaluation using some of the statics as part of the 18 worker unit 'allowance' is more sustainable and brings various benefits whilst causing no harm.

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

2.1 The site has a complex planning history.

## **3. The Site:**

3.1 It is an established camping park from the 1980s, featuring both static caravans and pitches for touring caravans and tents. It has ancillary facilities such as a club house and shower/toilet blocks etc. Following the 2013 planning permission, the camping and touring caravans can be occupied for holiday purposes year round but the 30 static caravans are conditioned to be not occupied residentially in the month of February.

3.2 The land slopes down from SE to NW. It is set in an elevated position above Plaxdale Green Road and surrounded by open farmland but with tourism accommodation at Hilltop and residential properties at Labour in Vain Road. The main caravan site includes some trees and there is a wooded area to the western side and also features tree screening along its boundaries subject to a long established Area TPO. The slope of the land means that new evergreen landscaping at the lowest NW corner does not hide the caravans sited on higher parts of the site.

- 3.3 The eastern side of the site is designated as ancient woodland and this is subject to a recently re-served and now confirmed Woodland TPO
- 3.4 The site is in the countryside and the MGB. It abuts the AONB but is not within it.
- 3.5 A Public Footpath runs N-S through the site, including through an approved caravan storage area. The site lies on a Water Gathering Area.

**4. Planning History (relevant):**

TM/81/00886/FL      grant with conditions      7 December 1981

Use of land for camping site including trailer tents, dormobiles, touring caravans, and winter storage incorporating site with existing permission for tented camping.

TM/89/00007/FL      Grant      20 March 1989

Variation of condition (iv) of permission TM/81/886 to permit winter storage of 50 touring caravans (instead of 30).

TM/90/00073/FL      grant with conditions      13 June 1990

Application to vary condition (v) of permission TM/81/886 (use of land as camping site) to extend season from 1st March to 31 January of the ensuing year.

TM/94/01581/FL      grant with conditions      8 February 1995

Formation of hardstanding, variation of condition (ii) of TM/90/0073 to allow for siting of 150 touring units and 10 static holiday caravans, and variation of condition (iv) TM/81/886 to allow for the winter storage of 50 touring units and 10 static holiday caravans

TM/95/01654/FL      Application Withdrawn      4 February 1997

variation of condition 02 of planning permission TM/94/1581FL to allow caravan park to operate throughout the year

TM/98/01268/FL      Grant With Conditions      15 October 1998

variation of cond. (ii) of TM/90/0073 to allow for siting of 150 touring units and 20 static holiday caravans and variation of cond. (iv) of TM/81/886 to allow winter storage of 50 touring and 20 static caravans

TM/01/02373/FL      Grant With Conditions      14 December 2001

Variation to condition (v) of planning permission TM/81/886 to allow siting of 150 touring and 30 static caravans, and winter storage of 50 touring and 30 static caravans

TM/10/01069/FL      Refuse      18 June 2010

Variation of Condition 4 of planning consent TM/01/02373/FL (variation to condition (v) of planning permission TM/81/886 to allow siting of 150 touring and 30 static caravans, and winter storage of 50 touring and 30 static caravans)

TM/11/03055/FL      Approved      13 August 2012

Section 73 application to vary the conditions of TM/01/02373/FL to allow the use of touring units on a year round basis with the original condition 4 of TM/01/02373/FL remaining in force in respect of the 30 approved static caravans (TM/01/02373/FL being Variation to condition (v) of planning permission TM/81/886 to allow siting of 150 touring and 30 static caravans, and winter storage of 50 touring and 30 static caravans)

TM/12/02706/RD      Approved      16 October 2012

Details of landscaping submitted pursuant to condition 3 of planning permission TM/11/3055/FL (Section 73 application to vary the conditions of TM/01/02373/FL to allow the use of touring units on a year round basis with the original condition 4 of TM/01/02373/FL remaining in force in respect of the 30 approved static caravans (TM/01/02373/FL being Variation to condition (v) of planning permission TM/81/886 to allow siting of 150 touring and 30 static caravans, and winter storage of 50 touring and 30 static caravans))

TM/13/00081/FL      Approved      2 April 2013

Section 73 variation of condition 1 of TM/11/03055/FL to allow land marked C41-C46 to be associated with static caravans and to allow storage area to accommodate touring caravans (Section 73 application to vary the conditions of TM/10/01069/FL)

TM/13/03923/FL      Refuse      7 November 2014  
                                 Appeal Dismissed      19 March 2015

Section 73 application to vary condition 1 of TM/13/00081/FL to increase number of static holiday caravans to maximum of 66 (Section 73 variation of condition 1 of TM/11/03055/FL to allow land marked C41-C46 to be associated with static caravans and to allow storage area to accommodate touring caravans)

TM/15/03045/FL      Approved      17 December 2015

Section 73 application for the variation of condition 1 of planning permission TM/13/00081/FL (to allow land marked C41-C46 to be associated with static caravans and to allow storage area to accommodate touring caravans) to provide for year round use in line with other parks in the area and 1 (c) to be deleted

**5. Consultees:**

- 5.1 Stansted PC: Stansted Parish Council objects strongly to this application. It was only recently that approval with conditions was given for application TM/15/03045/FL, with exactly the same description. The conditions were imposed for very good reasons and the Parish Council supports the Local Planning Authority in requiring these conditions. The current application should be refused and all the conditions of permission TM/15/03045/FL be adhered to and monitored by the Enforcement Officer to ensure compliance.
- 5.2 Wrotham PC. Objection; WPC doesn't consider it unreasonable for the caravan holiday park to adhere to the conditions imposed pursuant to TM/15/03045/FL to ensure that caravan owners have permanent accommodation elsewhere. These conditions ensure that the facility is managed appropriately, i.e. for holiday accommodation and should remain unchanged.

**6. Determining Issues:**

- 6.1 In the period 2006 to 2012, applications for caravan sites such as these were determined in the light of the "The Good Practice Guide on Planning and Tourism". However, that was revoked following the publication of the NPPF in 2012. There is nothing in terms of tourism in the National Planning Practice Guidance that relates to tourist caravan sites so it is the NPPF which is relevant.
- 6.2 However, there is National Planning Practice Guidance which requires planning conditions to meet 6 tests: being necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. The NPPG also states that conditions should not be used that unreasonably impact on the deliverability of a development, if they unnecessarily affect an applicant's ability to either bring a development into use or allow a development to be occupied or otherwise impact on the proper implementation of the planning permission.
- 6.3 The main national policies relevant to this application are as follows:
- Paragraph 17 (Core Principles) requires LPAs to protect the Green Belt, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.
  - Paragraph 28 requires LPA support for sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres

- Paragraphs 80 and 81 on Green Belts state that one purpose of Green Belts is to assist in safeguarding the countryside from encroachment. Local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide for outdoor sport and recreation; to retain and enhance landscapes and visual amenity
- Paragraphs 89 and 90 on Green Belts states that certain forms of development are not inappropriate 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. These do not include change of use (which is the form of the original decision to which this application seeks a variation).

6.4 The difference between what the applicant seeks in this application and what was granted by TM/15/03045/FL is based on 3 main issues:

- 18 workers only to occupy touring caravans on pitches ( ie not static caravans)
- an up-to-date register to also include the intended time and duration of the occupation of the all owners/occupiers and now also their guests
- In respect of the workers pitches, the register shall also include details of the location of employment and length of the fixed term contract of employment.

6.5 The first determining issue associated with the application is whether the proposal for scope for workers to occupy up to 18 of the static caravans would partly create what would be tantamount to a conventional residential estate in the Green Belt and outside established settlement boundaries. In this scenario, the development would be contrary to national Green Belt and countryside policy and the related TMBCS policies of CP3 and CP14 respectively.

6.6 The sustainability of the location is a consideration under policies CP1 and CP2 of the TMBCS. A significant non-holiday/tourism use would be contrary to policies that require new residential uses to be in environmentally sustainable locations.

6.7 The other consideration is whether such a proposal would reduce the number of pitches available for holiday purposes, which in turn would affect the holiday industry and increase pressure on health and education facilities.

6.8 The original proposals for the use as a caravan site and for additional pitches/caravans permitted over the years had been justified on the basis that it would be used for tourism. Any proposal for year round *residential* use of a caravan within the MGB would be contrary to policy and should normally be refused (save for some exceptions such as agricultural/horticultural worker's accommodation).

6.9 In this case, the explicit allowance by condition for non - holiday use of 18 units is unique to this site and warrants tight control being a clear non-tourism form of

occupation. Without conditional control on the nature of the occupation of the 2 types of caravan on the site, there is a concern that the proposal would be contrary to the requirement of the NPPF and Policy CP3 of the TMBCS.

- 6.10 The 18 pitch non-holiday use was based upon a request made in relation to planning application TM/11/03055/FL in that planning permission TM/01/02373/FL had a plan showing an area as specific provision for an element of worker accommodation “as and when required”. The applicant stated at the time that there was a need for worker accommodation (which was said to be in a state of flux depending on factors such as major developments ongoing in the area); the workers bring their own touring caravans or motor-homes on to a normal pitch (or units provided by the employer) and stop for the length of their work contract, generally going home for weekends. It was claimed that the site had always operated in this way with tourism very much the focus of the business but allowing workers to stay also being important to this enterprise and in facilitating other businesses in meeting their short term need to bring in staff from outside the local area.
- 6.11 In determining the last application when the static caravans were, for the first time ever, being allowed to be occupied year round, it was considered that if a significant number of the 30 statics were to be occupied year round by workers, that would alter the character of that part of the site. The statics are all clustered together centrally on the site as it is entered. It is considered that worker accommodation concentrated in up to 60% of the statics would be a very different type of use and harmfully impact on character of the site overall compared to up to 18 tourer units or camper vans amongst the 150 units of the touring element of the site.
- 6.12 It is also potentially the case that if there were to be a predominance of worker accommodation in the area of the statics in the centre of the site, then the attractiveness of the site for tourists may be detrimentally affected overall. The risk of the character of that part of the site changing away from tourism is reflected by the length of the contracts in that there will be a less obvious rate of turnover than if the static owners let to genuine holiday makers.
- 6.13 I remain of the view that this control is necessary and relevant to planning and to the development (which going back to the original planning permission is a change of use to tourism). I also consider that it is reasonable, enforceable and precise. Whilst it is the case that a static may be more desirable for the workers to occupy, I am not persuaded that this part of the condition unnecessarily affects the development in terms of the use, its overall occupation or otherwise impacts on the proper implementation of the planning permission. The agent does comment that statics offer user comfort and overall sustainability (lower heating costs/no caravan towing movements to/from the site etc) and that off-site impacts are lower for statics than with tourers. Those comments do not relate to any of the tests of the NPPG in terms of conditions. Whilst there are some benefits if tourer

occupation or use is displaced, I am of the opinion that they are outweighed by the harm caused by scope for a predominant occupation of statics by contract workers for the reasons detailed above.

- 6.14 It has repeatedly been claimed that the touring units can be fully winterised when the applicant has applied for year round holidaying at this site. In TM/13/00081/FL, there was no permission for year round occupation of static caravans, only of the tourers. It would have interrupted the occupation by workers if they had to relocate between the 2 van types if their contracts happened to span the month of February.
- 6.15 Similarly in terms of the workers, asking for details of their location of employment and length of the fixed term contract of employment is not considered unduly onerous. It was considered that this aspect could benefit from clarification in the controlling condition to be included in the register that is available for regular inspection. The reason for the applicant's resistance to logging this information for such a small number of caravans is not clear.
- 6.16 The use of the site by workers is contrary to the tourism use and is not accounted for in any national guidance on the subject. The Borough Council has been more than reasonable in allowing that form of occupation and to refine the condition to ask for more information to ensure that the use is indeed genuinely of that nature is not unjustified in my view.
- 6.17 The previous decisions based control of the approved tourism use by adopting the approach set out in national guidance to impose the log book style of restriction in lieu of a vacant time period in the calendar of occupation which had been the traditional form of control. The Council has refined the "standard" condition to also require a register of guests of individual caravans on the site, and of their main home addresses and the intended time and duration of the occupation. It is not considered that this is unduly onerous where the guest is staying on the site overnight and so a further refinement of the condition to make that distinction is suggested. There is nothing that says that the standard condition cannot to be refined to the circumstances of the case in hand provided it still meets the 6 tests of the NPPG and other NPPG criteria. I am of the view that it does.
- 6.18 It is logical in my view that registering guests who reside on site overnight benefits the site manager eg in case of evacuation emergencies. It is not clear why the applicant claims this is difficult to administer.
- 6.19 In response to the agent's argument that there is a fall back to the 2001 planning permission, this is an incorrect interpretation of the legal position in my view.
- 6.20 The discussion centres around whether, assuming the later planning permission TM/13/00081/FL has been implemented, the applicant could now "revert" to the earlier planning permission TM/01/02373/FL (or indeed any other earlier planning permission). The planning history set out above is that there is a line of

"amendments", including to 01/02373/FL, each of which creates a stand-alone permission. A planning permission under s.73 is a stand-alone planning permission granting permission for *development*, in this case a change of use. The continuation of an existing lawful use is not development, and so what the consent is granting is a change from the *original* lawful use in existence before the first change of use permission. When a change of use permission is implemented, the change is made and the authorisation for the change of use is spent (*Cynon Valley*). Similarly, where a s.73 permission authorises a change of use subject to a set of conditions, when that permission is implemented, the permission is spent but the conditions subject to which the change is permitted, remain.

6.21 It follows therefore that if the 2001 change of use permission was implemented, and subsequently 2013 was implemented, there is no ability to "go back" to the position in 2001 as the permission is already spent.

6.22 Furthermore, were an applicant able to rely upon multiple previous s.73 change of use permissions (for the same use but subject to different sets of conditions), they could do so at any time, for any period of time, *ad absurdum*, even for fractions of a day. This would make any meaningful planning enforcement impossible and is a position that a court is unlikely to allow.

6.23 Overall, in response to the resistance of 3 key elements of the rewording of condition 2, I am of the view that the condition 2 meets the 6 tests of the NPPG and does not breach the other elements of the NPPG. There is no evidence that there is any impact on the deliverability of the development, the applicant's ability to bring a development into use, allowing it to be occupied or otherwise impacting on the proper implementation of the planning permission. On that basis, I would not recommend any change except to clarify it is only overnight guests which should be included in the register.

## **7. Recommendation:**

7.1 **Grant Planning Permission** in accordance with the following submitted details: Design and Access Statement dated 23.12.2015, Location Plan dated 23.12.2015, subject to the following

### **Conditions / Reasons**

1. (a) The number of pitches on the site shall be restricted to a maximum of 150 for touring units (including touring caravans, campervans, motorhomes and tents) and 30 static caravan units;
- (b) the 30 static caravan units shall be located only on that part of the site shown cross hatched on the drawing attached to this permission;
- (c) the pitches for touring units shall be located only in the storage area or on that part of the site shown single hatched or cross hatched on the drawing attached to this permission



(d) any touring caravans being stored on the site shall be located either within that part of the site shown single hatched or cross hatched on the drawing or in the area annotated at "Storage Area";

(e) at no time shall the total number of caravans on the site (including those that are occupied, available for occupation and stored) exceed 180.

Reason: In the interests of safeguarding the visual amenities of the site, which falls within the open countryside, the Metropolitan Green Belt and because an over intensive use of the site could give rise to additional undue highway hazards, in accordance with paragraphs 17 and 28 of the National Planning Policy Framework 2012 and Policies CP1, CP3, CP14 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

2. (i) No caravan shall be occupied as a person's sole, or main place of residence
- (ii) the caravans shall be occupied for holiday purposes only with the exception of a maximum of 18 touring caravans on workers pitches
- (iii) the workers pitches may be occupied only as temporary accommodation by locally employed workers on fixed term contracts of employment
- (iv) the owners/operators of the caravan site shall maintain an up-to-date register of the names of all owners/occupiers/overnight guests of individual caravans on the site, and of their main home addresses and the time and duration of the occupation
- (v) In respect of the workers pitches, the register shall also include details of the location of employment and length of the fixed term contract of employment
- (vi) The information in the register shall be made available at all reasonable times to the Local Planning Authority.

Reason: To ensure the site is not used for unauthorised permanent residential occupation which would be inappropriate in the Green Belt or outside settlement confines and so thereby contrary to paragraphs 17 and 28 of the National Planning Policy Framework 2012 and Policies CP3 and CP14 of the Tonbridge and Malling Borough Core Strategy 2007.

3. The scheme of evergreen landscaping as approved by the Authority under ref TM/12/02706/RD shall be fully implemented and should be retained as approved and any trees or plants removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with others of similar size and species, unless the Authority gives written consent to any variation.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

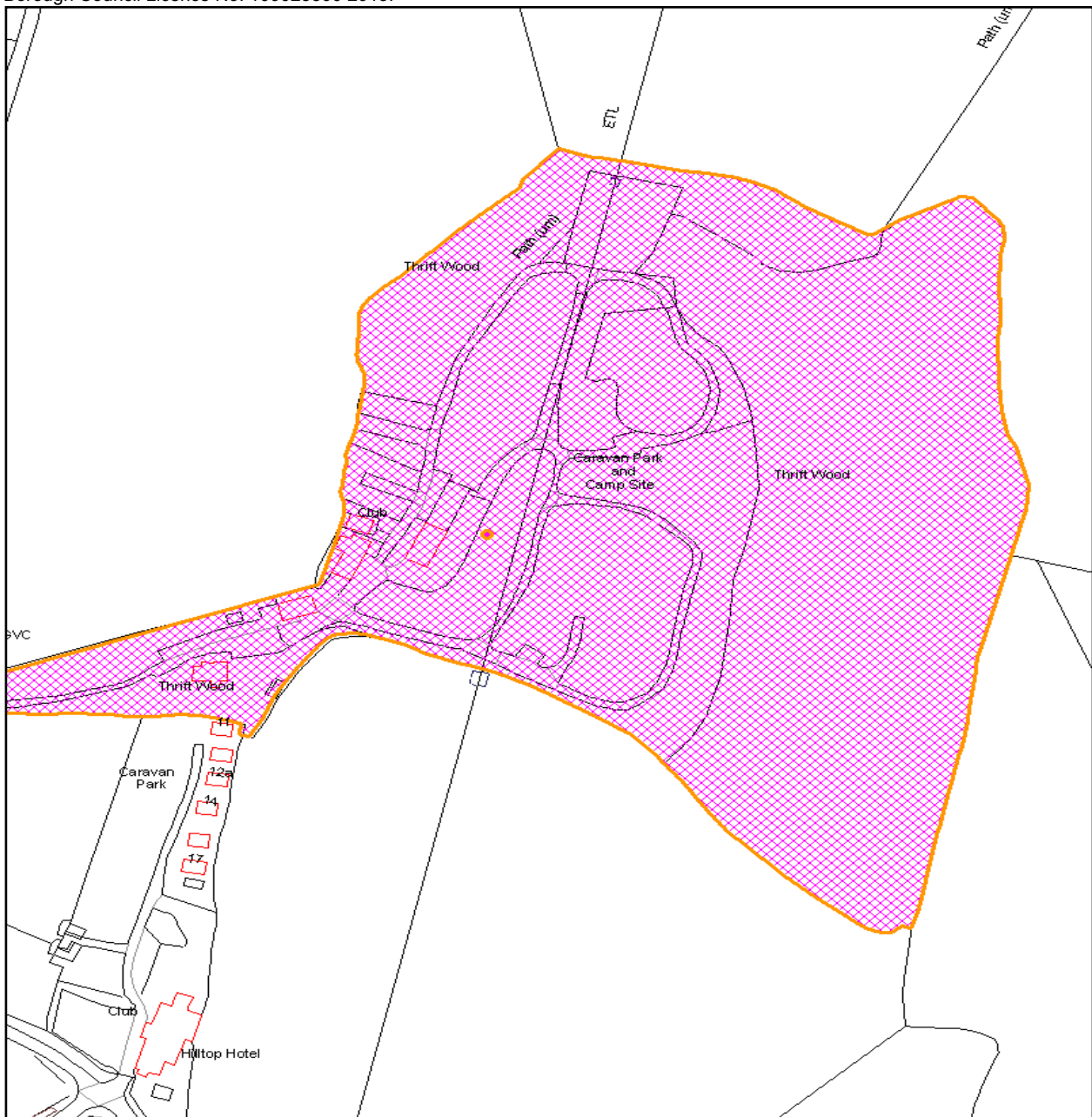
Contact: Marion Geary

**TM/15/04050/FL**

Thriftwood Caravan And Camping Park Plaxdale Green Road Stansted Sevenoaks Kent TN15 7PB

Section 73 application for the variation of condition 1 of planning permission TM/13/00081/FL (to allow land marked C41-C46 to be associated with static caravans and to allow storage area to accommodate touring caravans) to provide for year round use in line with other parks in the area and 1 (c) to be deleted

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**Alleged Unauthorised Development**

**East Peckham**

**15/00394/WORKM**

**566246 148696**

Hadlow And East  
Peckham

Location: 28 Westwood Road East Peckham Tonbridge Kent TN12 5DE

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**1. Purpose of Report:**

- 1.1 To report a breach of planning control relating to the erection of a 1.8 metre high close boarded fence adjacent to the highway on part of the northern side boundary and the western rear boundary of the property adjacent to Westwood Road, without the necessary planning permission.

**2. The Site:**

- 2.1 The site is close to the western edge of East Peckham, and comprises a semi-detached house, which was built in the early 1950's and is at a right angle to the road and fronting onto a small green. The property has a long northern side boundary (approximately 60 metres) fronting onto Westwood Road with a short rear boundary adjacent to the junction of Westwood Road with Addlestead Road. This side boundary is defined by a mixture of a high Beech hedge and existing 1.8 metre high close boarded fence and the new section of close boarded fence, which is approximately 26 metres in length with a ninety degree turn across the bottom of the garden of about 3 metres. There is a vehicular access within the length of existing 1.8 metre high close boarded fence with matching gates.
- 2.2 The western part of the garden (about 33 metres in length) lies within the Bullen Corner Conservation Area. Bullen Cottage 124 Addlestead Road, a 16<sup>th</sup> century timber framed cottage with thatched roof and a Grade II listed building, is situated on the corner of Westwood Road and Addlestead Road close to the western end of this property.

**3. History:**

- 3.1 TM/15/03952/FL Refused 24 March 2016

Retrospective application: Installation of a 1.8 metres high closed board fence to the boundary of my property which borders Addlestead and Westwood Road.

**4. Alleged Unauthorised Development:**

- 4.1 Without planning permission, the unauthorised erection of a 1.8 metre high close boarded fence adjacent to Westwood Road, a highway used by vehicular traffic.

**5. Determining Issues:**

- 5.1 The new 1.8 metre high close boarded fence replaced a lower fence consisting of concrete posts and wire about one metre high. The fence and adjoining garden had become overgrown and the owner is understood to have erected the new fence for security and privacy reasons.
- 5.2 Retrospective planning permission TM/15/03952/FL was refused because the boundary fence, by virtue of its overall scale and height combined with its unsympathetic design and materials used, is detrimental to the appearance, character and amenities of the Bullen Corner Conservation Area and harmful to the setting of the Grade II listed building at Bullen Cottage 124 Addlestead Road. As such, the development is contrary to policy CP24 of the TMBCS and policy SQ1 of the MDEDPD 2010. In addition paragraph 131 of the NPPF states that when determining planning applications, consideration will be given to the desirability of sustaining and enhancing the significance of Heritage Assets, including Conservation Areas. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 imposes a general duty in Conservation Areas to have regard to the desirability of preserving or enhancing the character or appearance of that area.
- 5.3 The Bullen Corner Conservation Area was subject to a Conservation Area Appraisal, which was adopted in June 2011. The Appraisal refers to the enhancement of property frontages and comments that a mix of inappropriate front boundaries has led to an erosion of the character of the area and that where possible traditional boundary enclosures should be reinstated. Where the opportunity arises, new boundaries should use the prevailing materials and designs particularly 1 metre high hedges in front of properties or 2 metres high field and side boundaries.
- 5.4 The appraisal also comments that, unlike most properties which can be seen above the garden hedge and between the trees, the historic Bullen Cottage is hidden by conifer and other trees. The conifer trees referred to were actually on an intervening strip of land on either side of the Coult Stream and between this property and Bullen Cottage owned by Circle Housing Russet. These trees were lopped by Circle Housing Russet in May 2015, resulting in more open views of the listed building from the Conservation Area.
- 5.5 The Conservation Area Appraisal also refers to an important open space (wide verge) with a high hedge to the side boundary of the adjacent property on the north side of Westwood Road opposite the new fence.
- 5.6 Planning permission was refused because of the significant concerns about the harmful impact of the new fencing on the setting of the listed building, Bullen Cottage, the character of the street scene and the Conservation Area. The boundary fence is considered to be starker and more suburban in character than would be expected in a semi-rural location such as this. The materials used are not what would readily be associated within a Conservation Area or in close proximity to a listed building,

although such fences do exist at a lesser scale in other properties within the area. Whilst it is accepted that the colour of the fence will change over time, the harsh appearance in close proximity to the Grade II listed Bullen Cottage is detrimental to the setting of this building and has an adverse impact upon the character and appearance of the Conservation Area. It is considered that the fence could be set back in the area close to the listed building with planting in front to reduce its impact and be more acceptable in this location. It is therefore appropriate to take enforcement action to remedy the harm to amenity caused by the development.

- 5.7 The original 1.8 metre high close boarded fence has been in place for more than four years and is therefore immune from enforcement action. The new fence requires planning permission because it exceeds 1 metre in height and is adjacent to a highway used by vehicular traffic. Therefore the new fence would be permitted development if it was reduced to 1 metre in height or relocated so that it was not adjacent to the highway. However it is understood that a lower fence would not provide the necessary privacy or security sought by the owner. Enforcement action to require the new fence to be set back 1 metre from the back edge of the footway on the northern side and western end boundaries and the planting of a Beech hedge on the strip of land between the fence and the highway would reduce the harm to the character of the Conservation Area and the setting of the listed building and achieve the security and privacy desired by the owner.

**6. Recommendation:**

An Enforcement Notice **BE ISSUED**, the detailed wording of which to be agreed with the Director of Central Services, requiring the fence on the northern and western boundaries to be set back 1 metre from the back edge of the footway and the planting of a Beech hedge between the fence and the highway.

Contact: Gordon Hogben

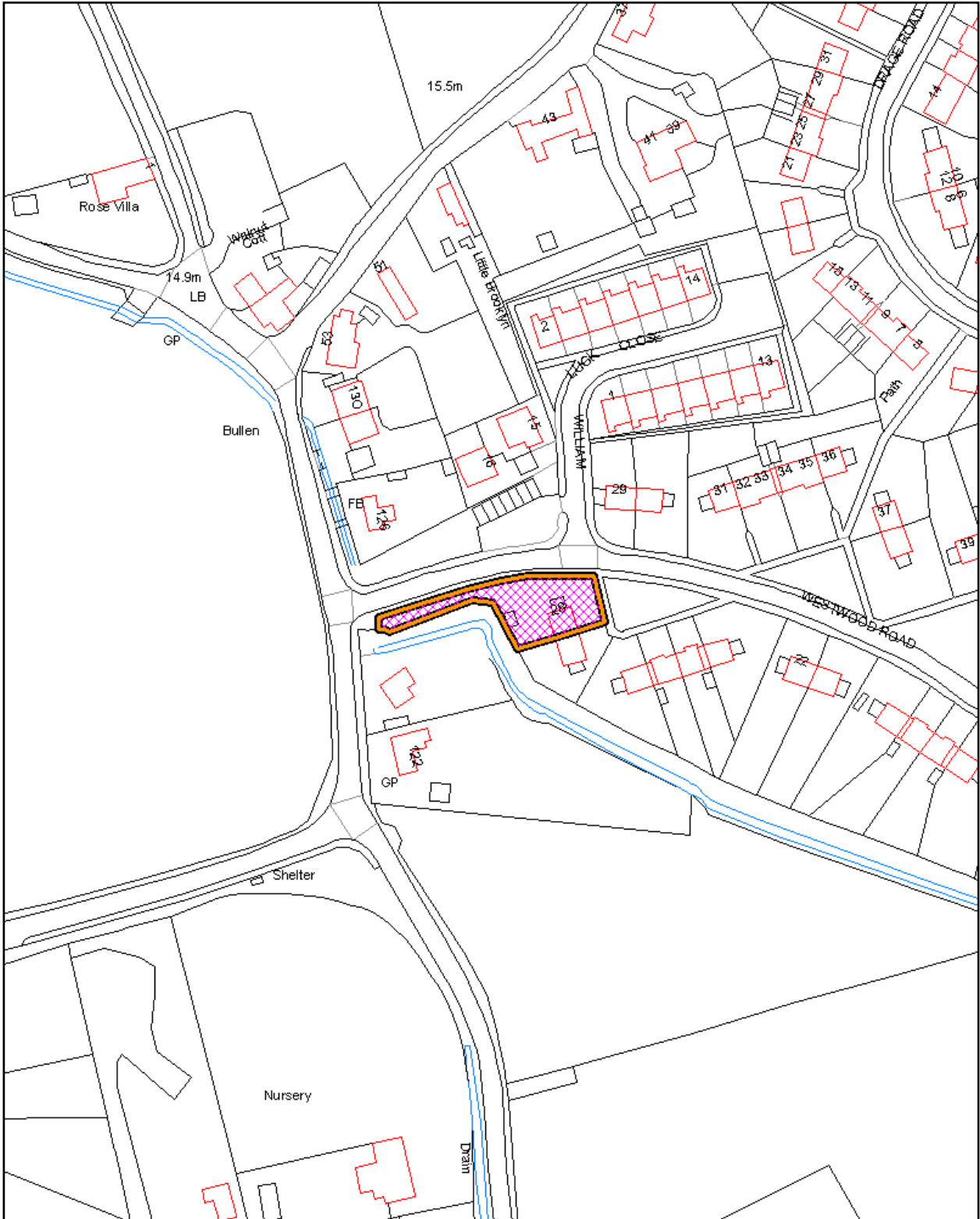
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**15/00394/WORKM**

**28 Westwood Road East Peckham Tonbridge Kent TN12 5DE**

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# Agenda Item 10

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.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT  
INFORMATION**

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