

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

Julie Beilby BSc (Hons) MBA

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West Malling (01732) 844522

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@tmbc.gov.uk

3 April 2018

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, 11th April, 2018 commencing at 7.30 pm. Deposited plans will be available for Members' inspection for half an hour before the start of the meeting.

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

PART 1 - PUBLIC

1. Apologies for Absence
2. Declarations of Interest

3. Minutes 5 - 8

To confirm as a correct record the Minutes of the meeting of Area 2 Planning Committee held on 13 December 2017

Matters for Recommendation to Council

4. Proposed Diversion of Public Footpath MR218, Stansted 9 - 16

The report seeks approval to the making of an order under Section 257 of the Town and Country Planning Act 1990 to divert public footpath MR218 at Stansted, as shown in Appendix A to the report, in order for development to be carried out.

(Report drafted by Kent County Council)

Decisions to be taken by the Committee

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7. TM/17/03354/FL - The Old Stable Building, Old Parsonage Court, West Malling 29 - 40

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10. Urgent Items

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

Matters for consideration in Private

11. Exclusion of Press and Public 49 - 50

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

12. 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
Cllr M Taylor

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TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 13th December, 2017

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

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

Apologies for absence were received from Councillor S R J Jessel (Vice-Chairman) and from Councillors M A Coffin, L J O'Toole, S C Perry and T B Shaw

PART 1 - PUBLIC

AP2 17/53 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct. However, for reasons of transparency, Councillor Balfour advised the Committee that in respect of application TM/17/01392/RM (Area 1 Kings Hill, Phase 3, Gibson Drive, Kings Hill) Kent County Council, of which he was the Cabinet Member for Planning, Highways, Transport and Waste, owned the freehold of the development site. As he did not have responsibility for financial matters at the County Council this did not represent either an Other Significant Interest or a Disclosable Pecuniary Interest and there was no requirement to leave the meeting.

AP2 17/54 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 8 November 2017 be approved as a correct record and signed by the Chairman.

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

AP2 17/55 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 17/56 TM/17/01392/RM - AREA 1 KINGS HILL, PHASE 3, GIBSON DRIVE, KINGS HILL

Reserved matters for 132 dwellings in Area 1 (junction of Tower View and Kings Hill Avenue) being details relating to the siting, design and external appearance of the proposed buildings, the means of access, drainage and strategic landscaping involving discharge of conditions 1, 12, 13, 19, 20, 23, 37, 38 and 39 of TM/13/01535/OAEA (outline planning permission for residential development) at Area 1 Kings Hill Phase 3, Gibson Drive, Kings Hill, West Malling.

RESOLVED: That the Reserved Matters detailed in the report of the Director of Planning, Housing and Environmental Health be APPROVED subject to the addition of Informative

7. An alternative surfacing for the raised table is suggested in terms of bonding pattern and texture to ensure it is more distinguishable as a traffic calmed area.

[Speaker: Chris Hawkins – Agent to the applicant]

AP2 17/57 (A) TM/17/01522/FL (B) TM/17/01438/LB - THE PLOUGH INN, TAYLORS LANE, TROTTISCLIFFE

- (A) Change of use from A4 public house/managers flat to C3 two bed residential dwelling and new roof to single storey side building and
- (B) Listed Building Application: New roof to single storey side extension and undertaking internal and external alterations to facilitate proposed change of use from public house to a dwelling house at Plough Inn, Taylors Lane, Trottiscliffe.

RESOLVED: That

(1) Application (A) TM/17/01522/FL be REFUSED for the following reason

1. The proposal is contrary to Policy CP26 of the Tonbridge and Malling Borough Core Strategy 2007 as it would result in the loss of a Public House last used for the benefit of the community and there is no alternative available of at least equivalent quality to meet need and it has not been proved that for the foreseeable future there is no need or inadequate support for the facility.

(2) Application (B) TM/17/01438/LB be REFUSED for the following reason

1. The removal of the bar serving area and the addition of stud partition wall facilitates the loss of a Public House and is therefore harmful to its historic interest and is also contrary to paragraph 17 of the National Planning Policy Framework 2012 which requires conservation of heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Similarly the proposal is contrary to paragraph 131 of the National Planning Policy Framework 2012 which requires local planning authorities recognise the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality.

[Speakers: Mr D Gaunt – Trottiscliffe Parish Council; Mr P Carty, Mr I Mills, Mrs A Proutzos, Mr D Proutzos, Mrs J Catt, Mr J Comber, Mr O Shaw, Mr J Bennett, Mrs F Bennett, Mr J Copson, Mr J Skinner, Mr D Slattery, Mrs A Gough, Mrs L Pigott and Mr R Wallis – members of the public; and Mrs D Carson – Applicant]

AP2 17/58 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.42 pm

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Application to divert part of public footpath MR218 at Stansted under section 257 of the Town & Country Planning Act 1990

A report by the Director of Central Services to Tonbridge & Malling Borough Council's Area Committee on 11 April 2018.

Recommendation: I recommend that the applicant be informed that an Order to divert part of public footpath MR218 is made in order to allow development to take place.

Local Member: Mr Harry Rayner

Unrestricted item

Introduction

1. Section 257 of the Town & Country Planning Act 1990 provides that a diversion of a public right of way may be pursued when necessary to allow development to take place for which planning permission has been obtained.
2. An application has been made by the landowners, Mr and Mrs Higgins, of *Buzzards* (formerly known as *The Barn*), Hatham Green Lane, Stansted, to divert part of public footpath MR218. Planning permission has been approved, reference 16/03754/FL, for the construction of a garage which would block the current alignment of the footpath.
3. It is necessary to divert part of the path in order for the development to take place (as is required by the Town & Country Planning Act 1990). The diversion of the footpath to the boundary will enable the development to take place. The footpath will be fenced to a width of 2.5 metres.
4. The length of footpath MR218 to be diverted is shown by a solid black line between points A–B on the plan at **Appendix A**. The proposed new route is shown by bold black dashes between the points A-C-B. An extract from the Definitive Map can be found at **Appendix B** to show the path in context with the rest of the public rights of way network.

Procedure

5. Tonbridge & Malling Borough Council may make an Order under Section 257 of the Town and Country Planning Act 1990 to divert a Public Right of Way to enable development to take place.

Consultations

6. Consultations have been carried out as required by the Act and no objections have been received. However, two suggestions were made by the Ramblers' representative, and were supported by the Parish Council for improvement. Firstly that the path could run south-south-east from point C and through the boundary to meet up with the path much further south, thereby decreasing the angle at the corner; secondly, that the corner at point C should be amended slightly to create two 45 degree angles rather than one 90 degree angle. The first suggestion was not a viable option as it would involve a different landowner who did not want to make any changes. The applicant did agree to the second suggestion whereby the path turns 1.5 metres before the boundary, runs for approximately 1.0 metre and then turns again to continue on its proposed alignment to point B.

View of Members

7. County Member Mr Harry Rayner and Borough Councillors Martin Coffin and Robin Betts have been consulted. No responses have been received.

Discussion

Legal Tests – Town and Country Planning Act 1990

8. Section 257 of the Town and Country Planning Act 1990 "The 1990 Act" states that "a competent authority may by Order, authorise the stopping up or diversion of any footpath, bridleway or restricted byway if it is satisfied that it is necessary to do so in order for development to be carried out in accordance with planning permission granted under Part III of the Town and Country Planning Act 1990."

9. To satisfy the test there must be conflict between the development and the right of way. Section 55 of the 1990 Act defines development as "the carrying out of building, engineering, mining or other operations in, on, over or under land or the making of a material change in the use of any buildings or other land".

10. Although the above is the only test, the Secretary of State has discretionary powers to balance the need for development against the effect on the public rights and enjoyment of the highway. The planning authority must therefore act in a quasi-judicial manner to consider the relevant merits of any application.

11. In addition consideration should be given to the case of *Vasiliou v. Secretary of State and Others [1991]* where the Court of Appeal held that the effect an Order would have on those entitled to the rights which would be extinguished had to be taken into account.

12. Circular 1/09 – published by DEFRA - contains the following advice to planning authorities: “The local planning authority should not question the merits of the planning permission when considering whether to make or confirm an order, but nor should they make an order purely on the grounds that planning permission has been granted. That planning permission has been granted does not mean that the public right of way will therefore automatically be diverted or stopped up. Having granted planning permission for a development affecting a right of way however, an authority must have good reasons to justify a decision either not to make or not to confirm an order. The disadvantages or loss likely to arise as a result of the stopping up or diversion of the way to members of the public generally or to persons whose properties adjoin or are near the existing highway should be weighed against the advantages of the proposed order”.

The Case – Town & Country Planning Act 1990

13. An application has been received to divert part of public footpath MR218 to allow for the construction of a garage which would block the current alignment of the path. Planning consent has been granted, reference 16/03754/FL. As a consequence the diversion of this part of public footpath MR218 is necessary in order for development to be carried out.

14. There is no negative effect on the public rights and enjoyment of the highway. The new route (as shown in **Appendix A**, between Points A-C-D-B) will run alongside the garden boundary, enabling the landowner to fence the path to a width of 2.5 metres. The surface of the pathway will be grass.

Conclusion

15. Kent County Council is satisfied that the legal tests are met in all respects in that the Borough Council has granted planning consent under Part III of the Town & Country Planning Act 1990 for the development, and that this section of MR218 would be adversely affected by the development.

Recommendation

13. An Order should be made under Section 257 of the Town and Country Planning Act 1990 to divert public footpath MR218 at Stansted, shown in **Appendix A** to this report, in order for development to be carried out.

The case file is available for viewing on request at the PROW & Access Service, Invicta House, County Hall, Maidstone, Kent, ME14 1XX. Please contact the Case Officer for further details.

List of appendices

Appendix A - Plan of proposal

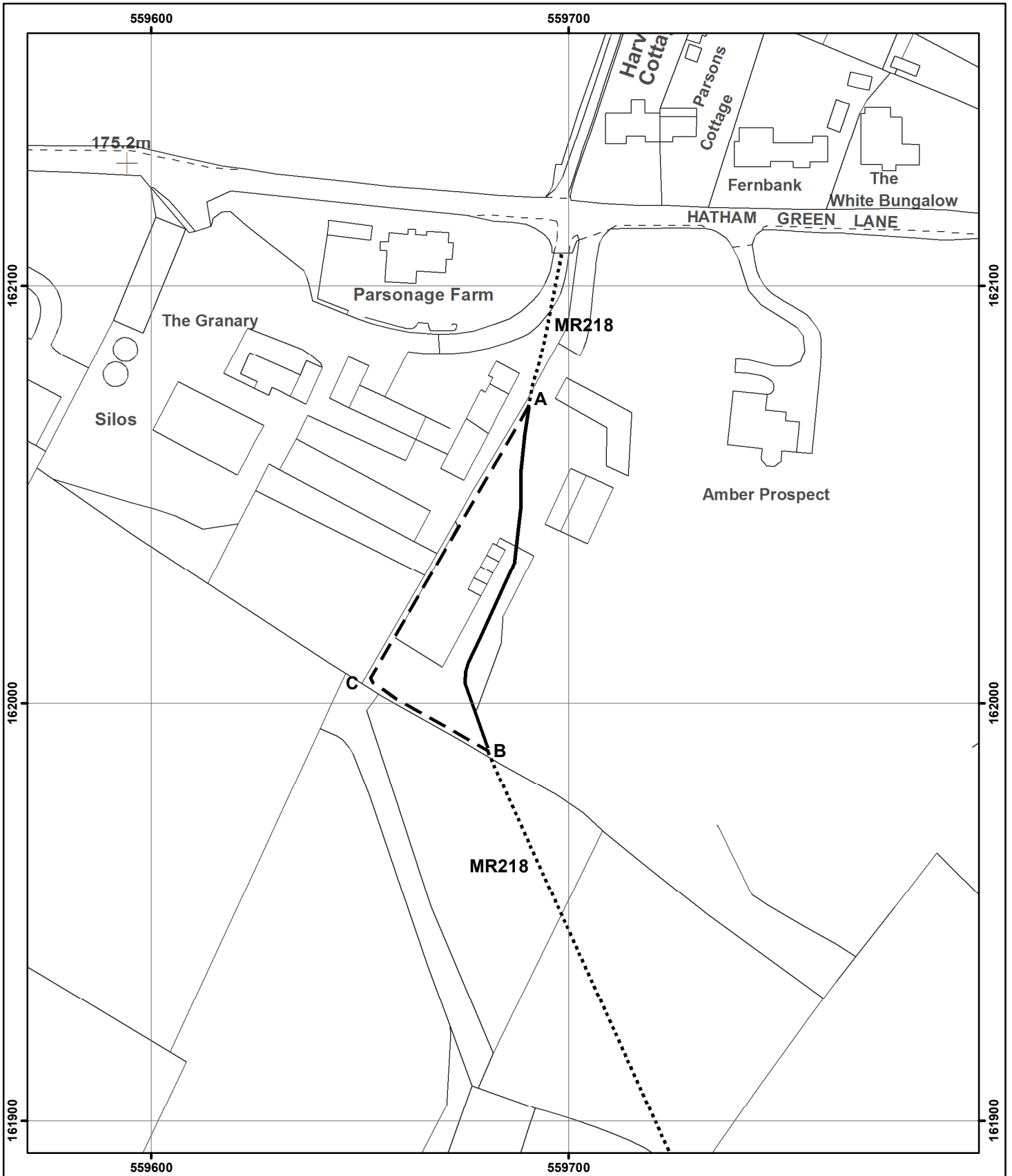
Appendix B - Extract from the Definitive Map, sheet 024 (TQ56SE)

Case reference:




PROW/MR218/0055/TMBC

Kent County Council Contact Officer:

Mrs Maria McLauchlan –
Tel: 03000 413420 or Email: maria.mclauchlan@kent.gov.uk



Key

-  Route to be deleted
-  Route to be Added
-  Unaffected Routes

Town & Country Planning Act 1990
 The Tonbridge & Malling Borough Council (Public Footpath MR218 (part), Stansted) Public Path Diversion Order 2017



Created by:

MMcL

Checked by:

TMBC

Date:

16/10/2017

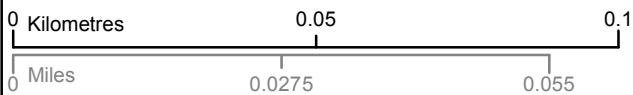
Reference:

PROW/MR218/0055/TMBC

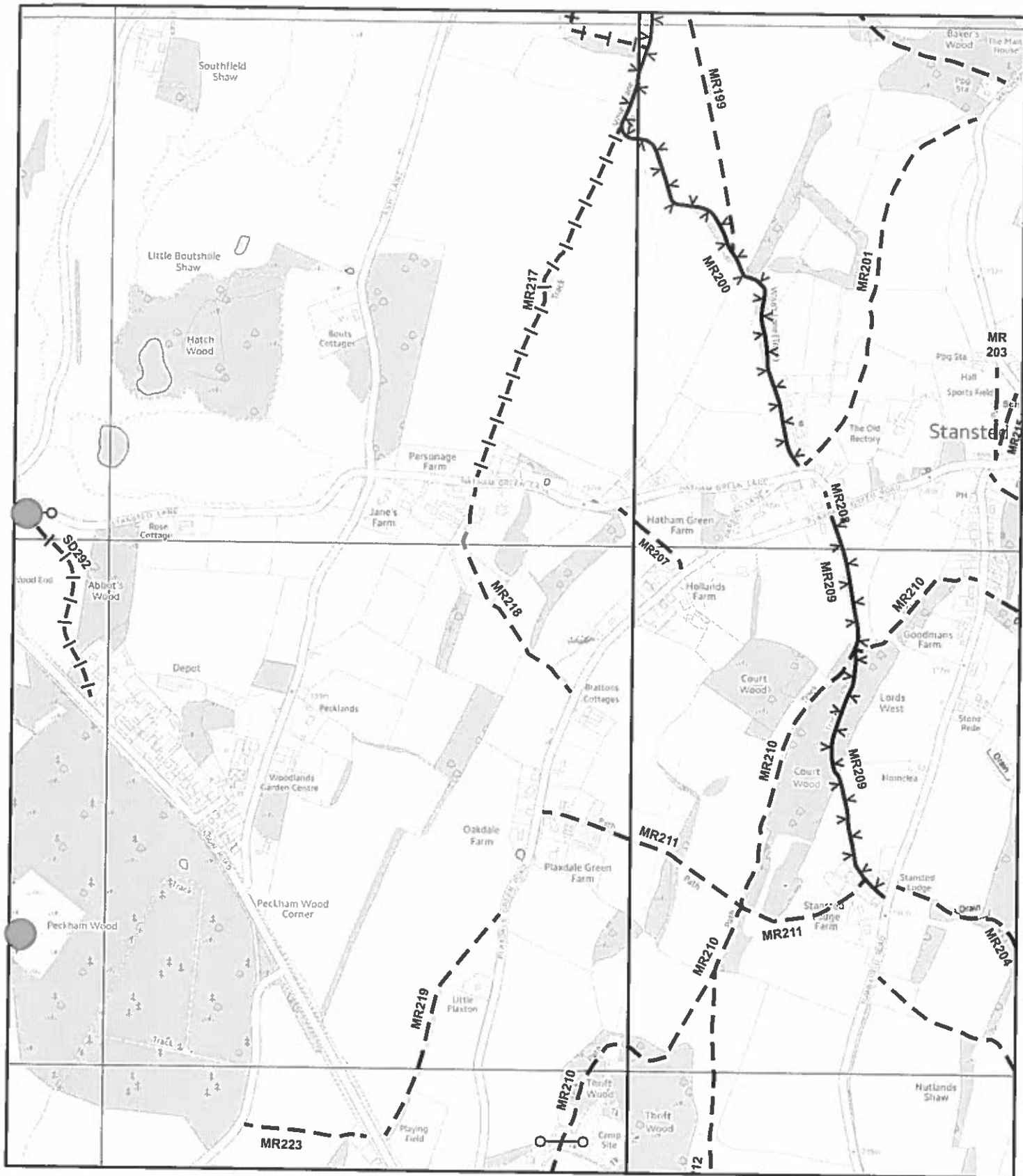
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- Footpath
- |- Bridleway
- ∨-∨ Restricted Byway
- ↗-↘ Byway Open to All Traffic
- Point path number or status changes
- Boundary of area covered by 1:2500 scale Network Map
- ▨ Area covered by 1:2500 scale Network Map

**EXTRACT OF THE WORKING COPY OF THE
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FOR THE COUNTY OF KENT**

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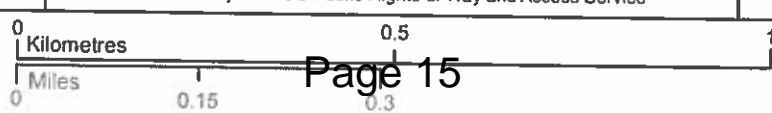
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TONBRIDGE & MALLING BOROUGH COUNCIL

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.

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

Trottscliffe
Downs And Mereworth

8 December 2017

TM/17/03403/FL

Proposal: Addition to driveway to create a drive on drive off
Location: Prunelle Church Lane Trottscliffe West Malling Kent ME19
5EB
Applicant: Mr Kamran Huseyin
Go to: [Recommendation](#)

1. Description:

- 1.1 Planning permission is sought for the formation of an in-out driveway within the front curtilage of the above property. The driveway is proposed to be surfaced in tarmac.
- 1.2 Retrospective planning permission was granted under delegated powers (our reference TM/17/00218/FL) for the retention of a tarmac driveway to the eastern side of the front curtilage. This is to be retained to form one part of the proposed in-out driveway.
- 1.3 An existing brick paved driveway which currently leads to the garage building and which has not yet been removed in accordance with Condition 3 of the previous planning permission is now proposed to be resurfaced in tarmac. An additional area of hard surfacing would then be provided along the front of the dwelling itself effectively linking the two driveways to create the in-out formation.
- 1.4 A central area would then be retained for soft landscaping purposes.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllr Kemp in order for consideration to be given to the visual impact of the proposed development.

3. The Site:

- 3.1 The application site is a rectangular plot, with dimensions of about 57m deep by 18m wide, on the north side of Church Lane, opposite the junction with School Lane, within the rural settlement of Trottscliffe and within the Kent Downs Area of Outstanding Natural Beauty.
- 3.2 The site accommodates one principal building, a bungalow dwelling which is set back by some 17m from the front boundary. A detached garage stands to the west side of the house and is accessed by a driveway up from the highway to the south, which is about 600mm to 750mm lower than the floor level of the bungalow and garage. A new area of hardstanding also lies on the eastern side of the frontage, with access onto Church Lane. The remainder of the frontage is mainly laid to grass.

- 3.3 The front boundary of the site is not enclosed by any conventional wall or fence but a rough line of stones marks the apparent boundary with the highway. There is no footway outside this site or adjacent sites, but there is a length of footway opposite, on the south side of this part of Church Lane.
- 3.4 To both east and west on the north side of Church Lane are further residential plots accommodating detached dwellings, mainly bungalows. On the south side dwellings are typically two-storeys high, on smaller plots. Opposite is the single-storey Trottiscliffe CE Primary School, with the Village Hall to the east of it. The boundary of Trottiscliffe Conservation Area lies to the immediate southeast of the application site.

4. Planning History (relevant):

TM/17/00218/FL Approved 24 March 2017

Retrospective application for retention of driveway and vehicular access onto Church Lane

5. Consultees:

- 5.1 PC: Object to proposal. Members feel that the proposal represents an over-development of the site. A retrospective application (TM/17/00218/FL) for the retention of a driveway and access was granted on the condition that the existing driveway, the subject of this proposal, was removed and landscaped with soft planting. The applicant is therefore in breach of a condition of the existing permission granted. A condition was also set with respect to drainage and we have noticed that the road is regularly flooding in this area. We question whether the proposal will allow sufficient vehicle and pedestrian visibility particularly given that there is a school opposite and that the site is located at the junction of 3 roads. We feel the proposal is also harmful to the visual amenity of the site, particularly given its proximity to the conservation area.

- 5.2 Neighbours: 5 + site + press notice/0X/0R/0S

6. Determining Issues:

Principle of development:

- 6.1 The site lies within the settlement confines of Trottiscliffe and as such the development proposed is acceptable in principle, subject to detailed matters concerning the visual impact, highway safety and drainage being satisfactorily addressed.

Visual amenity:

- 6.2 Policy CP24 of the TMBCS requires all development to be well designed and of a high quality in terms of detailing and the use of appropriate materials, and must

through its scale, layout, siting, character and appearance be designed to respect the site and its surroundings. Policy SQ1 of the MDE DPD requires proposals to protect, conserve and enhance the character and local distinctiveness of the area.

- 6.3 Policy CP7 of the TMBCS advises that development will not be permitted which would be detrimental to the natural beauty and quiet enjoyment of the AONB. Paragraph 115 of the NPPF sets out that LPAs give great weight to conserving landscape and scenic beauty within the AONB which have the highest status of protection in relation to landscape and scenic beauty. The proposal is for the resurfacing and extension of a hard standing and whilst readily visible within the wider area, is minor in the scale of development. In seeking to retain an area of soft landscaping between the two accesses and given time to weather I do not consider the proposal would harm the quiet enjoyment or scenic beauty of the wider AONB.
- 6.4 The current proposal does seek to increase the amount of hardstanding within the front curtilage of the dwelling, and this will be plainly visible. However, a central area is to be retained and this could be planted in a way that suitably softens the appearance of the frontage which would be appropriate in visual terms.
- 6.5 In this respect, I am mindful that permitted development rights exist for the construction of areas of hardstanding, subject to certain conditions relating to materials and drainage being adhered to. As such, a different driveway construction, without any retained landscaping could be constructed without the need for any planning permission from the Council.
- 6.6 I acknowledge that the 2017 planning permission required the pre-existing driveway leading to the garage to be removed within a certain time period on visual amenity grounds and now this is proposed to be retained/resurfaced. Notwithstanding that condition, it is necessary to now assess the scheme as proposed in a consolidated manner as to whether it is acceptable in visual terms. I consider that subject to suitable landscape planting, there would be no harmful visual impact arising.

Highway safety:

- 6.7 Policy SQ8 of the MDE DPD seeks to ensure that development does not adversely affect highway safety and paragraph 32 of the NPPF sets out that planning permission for development should not be refused unless a severe impact can be demonstrated.
- 6.8 The site is located directly adjacent to the junction of Church Lane and School Lane, and is close to the local primary school and to other sites which are served by vehicle accesses. The grant of planning permission for the tarmac access drive in situ has established the acceptability of providing a vehicle access closer to the junction of the school. Subject to the provision of suitable visibility splays, this was not considered to give rise to a severely detrimental impact on highway safety.

- 6.9 There is no footway on the north side of Church Lane, with a small stretch of footpath to the south side outside the school. Pedestrians in the vicinity would therefore be less likely to be walking directly outside the site, and there is a low probability that vehicles leaving the application site would come into conflict with passers-by.
- 6.10 As I have set out above, the secondary access leading to the garage building, now shown to be retained and resurfaced, was only required to be removed by virtue of condition 3 of the 2017 planning permission for visual amenity reasons, not on highway safety grounds. As such, it would not be justified to resist the scheme now put forward on grounds of highway safety impact.
- 6.11 Whilst the proposal seeks to provide multiple accesses in close proximity to each other, these will be within a single residential curtilage, diminishing the likelihood of conflicting movements occurring. Furthermore, the formation of an in-out driveway will increase the ability for vehicles to enter and leave the site in forward gear, which should be welcomed in highway safety terms.

Drainage considerations:

- 6.12 The drive is to be constructed of a non-permeable material. No arrangements are currently in place to direct run-off into the site nor have any been proposed as part of this application. Hard surfacing without sufficient drainage is contrary to the principles of sustainable drainage and could result in unacceptable levels of surface water draining onto other nearby sites, detrimental to satisfactory living conditions, or into the public surface water drainage network, which would also be undesirable. The provision of suitable drainage will therefore need to be secured by way of condition.

Conclusions:

- 6.13 In light of the above and taking into account the substantive permitted development rights available, I consider that the proposal is acceptable in all respects, subject to the imposition of appropriate planning conditions. This is reflected in the recommendation that follows:

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Location Plan dated 08.12.2017, Existing Site Plan dated 08.12.2017, Site Plan dated 08.12.2017, Photograph dated 08.12.2017, Aerial Photo dated 08.12.2017, subject to the following conditions:

Conditions:

1. Within one month of the date of this planning permission, details shall be submitted in writing to the Local Planning Authority of the provisions to be made to direct run-off water from the surface from all parts of the drive to a permeable or porous area or surface within the curtilage of the dwellinghouse. The approved provisions shall be implemented within two months of the date of approval of the details and shall thereafter be maintained at all times,

Reason: In the interests of sustainable drainage, and to prevent the run-off of surface water onto adjacent land.

2. The access to the site shall, at the junction with the highway, be provided at all times on each side with that part of a 2 metre by 2 metre pedestrian visibility splay which can be provided on land within the control of the applicant/developer, within which no obstruction to visibility higher than 600 mm shall be permitted.

Reason: In the interests of highway safety.

3. Within three months of the date of this permission a scheme of landscaping and boundary treatment should be submitted to the Local Planning Authority for approval. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

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: Paul Batchelor

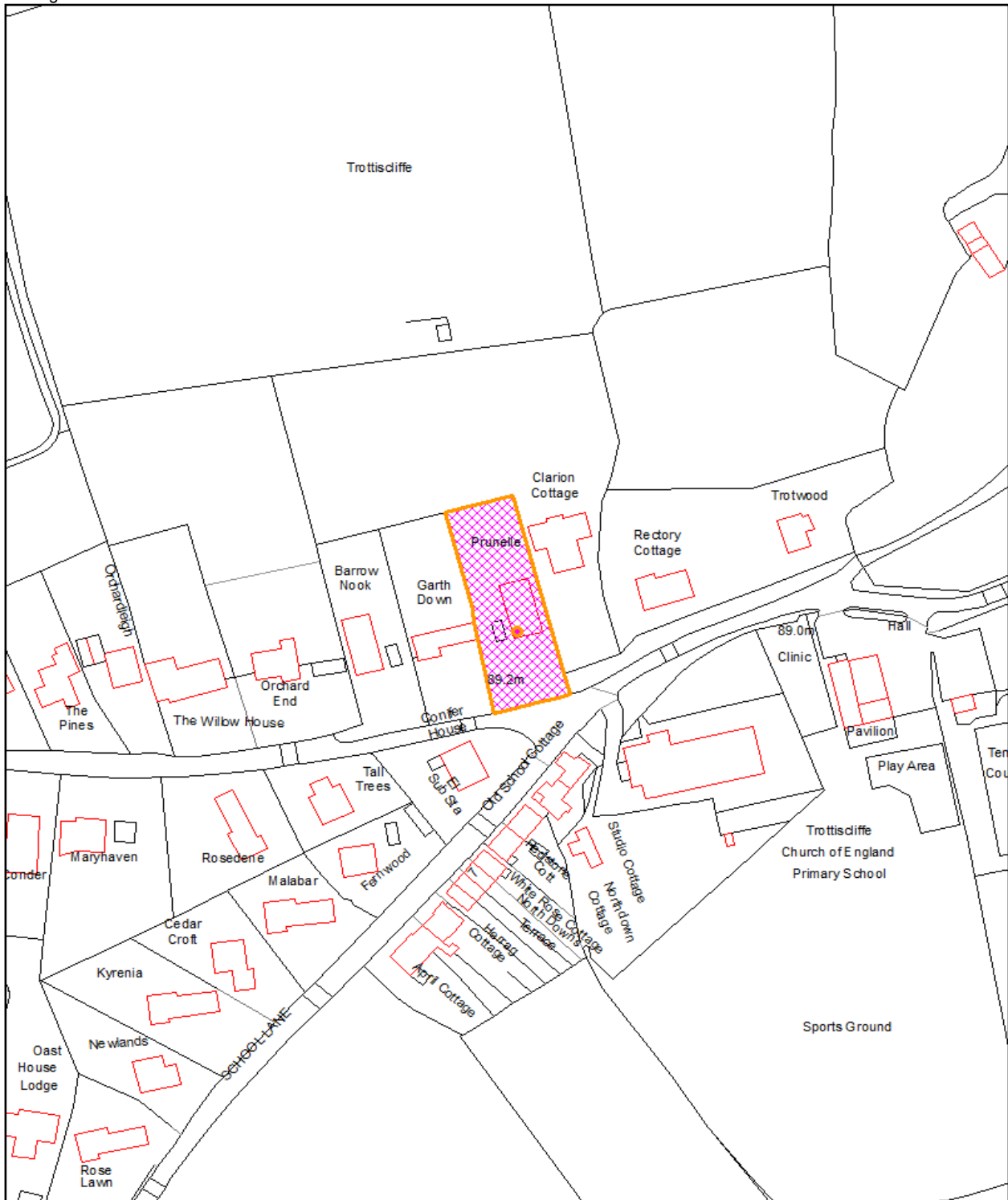
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TM/17/03403/FL

Prunelle Church Lane Trottscliffe West Malling Kent ME19 5EB

Addition to driveway to create a drive on drive off

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West Malling
West Malling And
Leybourne

4 December 2017

TM/17/03354/FL

Proposal: Single storey extension and roof alterations to porch
Location: The Old Stable Building Old Parsonage Court West Malling
Kent ME19 6NZ
Applicant: Mrs S Taylor
Go to: [Recommendation](#)

1. Description:

- 1.1 Planning permission is sought for the construction of a single storey side extension to a detached one-bedroom residential property. Alterations are also proposed to replace the front porch which is to include a dual-pitch roof.
- 1.2 The extension would be added to the northeast-facing elevation of the dwelling, to a width of 4.5m and depth of 4.3m. A dual-pitch roof is proposed with an eaves height of 2.7m and a total height of 4.3m. The extension includes roof lights to the south-eastern slope. Since the original submission was made, amendments have been forthcoming which alter the pitch of the roof to include a barn hip. At the time of writing this report, re-consultation was in the process of being carried out in connection with the amendments submitted. Any representations received as a result of that process will be reported as a supplementary matter.
- 1.3 The walls would be finished in black weatherboarding and the roof in slate tiles.
- 1.4 The alterations to the porch seek to replace its footprint like for like proposing a dual-pitch roof with gable end. Eaves height is to remain the same at 2.3m with a total height to the ridge of 4m.
- 1.5 This submission follows the refusal of planning application TM/16/01600/FL which proposed a two storey extension to the north elevation of this dwelling which was refused for the following reason:

“The proposed extension by reasons of its bulk and siting will be overbearing to neighbouring property and thus detrimental to residential amenities. It is thereby contrary to policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and saved policy P4/12 of the Tonbridge and Malling Borough Local Plan 1998.”
- 1.6 This current scheme seeks to overcome the previous refusal through reducing the height of the extension to be single storey with the latest amendment seeking to propose a barn hip in a view to reducing the bulk to the proposed dual-pitch roof.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllr Sophie Shrubsole in order for consideration to be given to the alterations proposed to an historic building and given the recent planning history connected to the site.

3. The Site:

- 3.1 The site lies within the built confines of West Malling Rural Service Centre, and within the West Malling Conservation Area, off the south/west side of Water Lane. It lies within the envelope of The Old Parsonage Court sheltered housing complex, although it does not form part of the complex. The sheltered housing site is served by an access road running south-west from Water Lane from a point some 110m south-east of its junction with the High Street.
- 3.2 To the north is 'The Retreat', a recent development of two-storey dwellings, with rooms in the roof, on land to the rear of the former KCC office complex at 123-129 High Street, which itself has been converted to residential units. To the west is the residential property Church House, 137 High Street, a listed building standing in extensive grounds.
- 3.3 The sheltered housing complex comprises the original mid-19th century Old Parsonage building, which is now subdivided into three dwellings, together with a more recent group of units arranged around a landscaped area, lying to the south of the access road. A further terrace of three single-storey dwellings lies to the north of the access road, just inside the stone boundary wall.
- 3.4 The red-line site for this application encloses an 'L'-shaped area, on the north/west side of the access road, which wraps around the rear garden of Church House.
- 3.5 Within the site, The Old Stable Building stands directly adjacent to the northern boundary wall of Church House and also abuts the boundary wall of the most easterly dwelling in the recently-developed terrace of five two-storey dwellings addressed as 4-12 (even) Water Lane.
- 3.6 The building itself is a two-storey detached ragstone property which was converted to a dwelling in the later 1990s. It stands on a rectangular footprint of 7m by 4m, and features dual-pitch roof with twin gable-ends to an eaves level of 4.8m and ridge at 6.7m. The accommodation comprises a lounge and kitchen on the ground-floor, a bedroom and bathroom above, and ancillary space within the roof. There are no windows or openings in either the southwest-facing or northwest-facing walls, principal windows being in the elevation facing north-east. A timber porch/conservatory with a lean-to roof has been added to the south-east elevation.
- 3.7 The garden area is dominated by several mature trees which are protected by a TPO dating from 2001. Nearest the building, at a separation distance of around 4m, is a Sweet Chestnut which is approximately 15m high. Two protected Beech

trees stand in the corner of the site nearest Water Lane and there is a Yew about 10m south of the main building. The garden houses a timber shed and there is space for vehicle parking.

4. Planning History (relevant):

TM/16/01600/FL Refused 21 December 2016

Two storey extension to North East elevation

TM/17/00913/TPOC Split Decision 2 June 2017

(A) T1 Yew - fell to ground level

(B) T2 Sycamore - to remove two lateral limbs that grow towards the neighbours garden

5. Consultees:

5.1 PC: Supports application

5.2 KCC Heritage: The site the application lies in is within the historic core of West Malling and close to the scheduled monument of St Mary's Abbey. Remains associated with the early development at West Malling may be revealed and I recommend the following condition is placed on any forthcoming consent:

No development shall take place until the applicant, or their agent or successor in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

5.3 Private Reps: 20 + site + press notice/0X/10R/0S. Objections raised on the following grounds:

- Not a single storey extension. Is a three storey extension of similar bulk, size and siting as refused a year ago;
- The size and the bulk of the planned extension by virtue of its siting would have a very real impact on the residential amenities of the neighbouring properties. Policy P4/12 - extension can have adverse effects on neighbouring properties in terms of light, privacy of overlooking and overshadowing of the garden areas;

- The neighbouring properties have narrow courtyard gardens with a high wall and trees at the back of them. In line with policy CP24 all developments must be well designed and must through their scale, density, layout and appearance be designed to respect the site and its surroundings;
- Overlooking / Overbearing from roof lights. Obscure glazing offers no assurances if opening. *[now omitted]*;
- Noise pollution from works would have severe implications on the surrounding gardens;
- Close proximity, size and particularly height would create claustrophobic effect and cause significant amount of visual intrusion;
- Loss of light. Extension fails 45 degrees day light and sunlight test;
- Impact on Sweet Chestnut Tree. Tree report out of date.

6. Determining Issues:

Principle of development:

- 6.1 The site lies within the settlement confines of West Malling meaning that development is acceptable in the broadest of policy terms.
- 6.2 The extension would increase the size of the dwelling by approximately 19.5m² which, although the host dwelling is not of a substantial size in its own right, is not a significant addition. Equally, although the side extension would be sited in close proximity to the eastern site boundary and take up a relatively large proportion of the northern section of the residential curtilage, I do not consider it would represent overdevelopment of the site.

Visual amenity:

- 6.3 Policies CP24 of the TMBCS and SQ1 of the MDEDPD require development to be well designed and through its scale, density, layout, siting, character and appearance to respect the site and its surroundings. It should also protect, conserve and where possible enhance the character and local distinctiveness of the area, including its setting in relation to the pattern of the settlement, roads and surrounding landscape.
- 6.4 More specifically, saved Policy P4/12 of the TMBLP states that residential extensions should not adversely impact the character of the building or the street scene, in terms of form, scale, design, materials and existing trees.
- 6.5 The application site lies within West Malling Conservation Area. Although it is not prominently visible from the busier local roads, it is clearly visible from the internal

access road serving Old Parsonage Court and from within the curtilages of neighbouring residential properties. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires, in the exercise of planning functions, that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

- 6.6 The side extension proposes a dual pitch roof with slate tiles to match the host dwelling. The scheme has recently been amended to incorporate a barn hip, reflecting features incorporated within the surrounding buildings. The walls are proposed to be constructed from a ragstone plinth with black painted weatherboard. Triple timber patio doors are proposed to the southern elevation with a single door to the northern wall. Two no. roof lights are proposed to the south roof slope. The porch is proposed to be constructed from ragstone dwarf walls with a slate tiles roof.
- 6.7 I consider that the detailed design of the extension combined with the proposed materials to be used in its construction would suitably reflect the features of the host dwelling and would not cause any harm to its appearance or the amenities of the locality more generally. Equally, the proposal would suitably preserve the appearance of the Conservation Area.

Residential amenity:

- 6.8 Saved Policy P4/12 also requires that residential extensions are designed in such a way to ensure residential amenities of neighbouring properties are suitably protected, setting out detailed design criteria which must be met. The Annex draws attention to the potential for an extension to give rise to an overly oppressive or dominating impact and identifies three specific areas of concern: privacy, outlook and daylight, and sunlight.
- 6.9 Members will recall that planning permission was previously refused for an extension to this dwelling on grounds of overbearing impact (as set out in full at Section 1 of this report). It is therefore necessary to now establish whether the revised scheme proposed satisfactorily overcomes that previous ground for refusal.
- 6.10 The Annexe accompanying policy P4/12 seeks to protect neighbours from an overly oppressive or dominating impact arising from development. When considering this potential impact on the occupants of 12 Water Lane, I am mindful that the ground level differences between the two properties would mean that only the roof slope would be visible to the neighbour above the boundary wall. Whilst the proposed distance of the extension from the shared boundary and the difference in land levels between the two would mean that this part of the extension would plainly be seen, this does not automatically render it harmful in amenity terms and, in my judgement, this relationship would not give rise to an overbearing impact. This revised scheme is single storey with a dual-pitch roof and

would significantly reduce the overbearing nature compared to the two storey extension previously proposed. This reduction in height and bulk would, in my judgement, suitably address the detrimental impact on residential amenities identified in the previous reason for refusal.

- 6.11 Turning to other matters related to residential amenity, in this case the proposal is single storey and proposes a single north facing door. This door will only look directly on to the retaining wall on the common boundary with 12 Water Lane and will not affect privacy as a result. Amendments to the scheme have resulted in the removal of roof lights originally proposed which removes any potential overlooking impact as a result.
- 6.12 In respect of outlook and daylight, the Policy Annex seeks to ensure that any rear extensions to adjoining dwellings do not have an adverse impact on outlook and daylight by setting out that they should not breach a 45° angle zone, taken from the middle of a neighbouring property's habitable room window nearest the boundary. However, this test actually only applies to testing the impact of adjoining properties and therefore does not apply in this case.
- 6.13 The conservatory to the neighbouring property could be affected by loss of light due to the presence of south facing windows and the close relationship that exists between the two sites. The conservatory has west and east facing windows with southern return windows in addition to a lantern roof light. BRE guidance relating to light impacts sets out that if the proposed form would not intersect an angle of more than 25 degrees measured from the middle point of the lowest window then the development is unlikely to have a substantial effect on the diffused skylight of the existing building. Due to the higher ground level of the neighbouring dwelling and the dual pitch roof form, the ridge of the extension would just intersect the mid-point of the window at an angle of 25 degrees when applying this test. However, this should be taken as a starting point in any assessment and in these particular circumstances I do not consider that the arrangement would cause any overt harm in terms of loss of light, given the presence of other windows which would not be affected.
- 6.14 The Policy Annex also indicates that '*Proposals for extensions should minimise loss of sunlight and overshadowing on the private garden area of adjoining dwellings* ' *The private area is normally considered as being an area 3 metres in depth from the rear main wall of a property.*
- 6.15 The property with potential to be affected in this respect is 12 Water Lane to the north-west of the application site. The representations received have set out that the rear gardens of properties within Water Lane are already affected by shadowing from the Old Stable Building at certain times of the day as well as from the boundary wall of Church House and from substantial tree growth on adjoining sites. Since the previous refusal of planning permission for an extension at this site, an orangery has been constructed to the side elevation of 12 Water Lane,

changing the relationship between the two properties. The ground level of the application site is lower than that of the adjacent neighbour. Given the southerly orientation of the proposed extension, it is likely to give rise to some additional impact in terms of shadowing but this would be limited to the area occupied by the conservatory and would be unlikely to encroach into the 'private area' beyond the rear wall of the dwelling.

- 6.16 Currently, most of the shading of adjacent gardens in the terrace of dwellings derives from trees, particularly to the south-west, which would not be changed by the implementation of the current proposal.

Trees:

- 6.17 In addition to the above, concern has been raised about the impact the proposed development may have on the existing mature trees on site. This particularly relates to the Sweet Chestnut to the south-east of the dwelling. Reference has been made to the latest updated guidance from Natural England on ancient woodland and veteran trees. As part of this updated guidance it amends its recommendation to suggest a buffer zone at least 15 times larger than the diameter of the tree or 5m from the edge of the canopy, if that's greater for veteran trees.
- 6.18 As part of the previous application a tree report and arboricultural method statement was provided which were issued on 07 June 2016 and 31 July 2016 respectively. This report set out that the proposed extension, on a similar footprint to that currently proposed, would result in an incursion of 2.44% into the root protection area of the Sweet Chestnut. As a result, it recommended a number of measures set out within the method statement to avoid damage to the tree.
- 6.19 Although I note that some time has passed since the previous report was issued and no updated report has been submitted in connection with the current planning application, in all likelihood the circumstances have not changed in such a way that would warrant any different conclusion to be drawn from those set out in the previous report. I am currently seeking further technical advice on this matter from the Council's Landscape Officer and any further advice will be reported as a supplementary matter. With this in mind, I would suggest that a condition be imposed requiring the submission of a method statement for approval prior to the commencement of any development on site along with a more general condition concerning tree protection during construction.

Conclusions:

- 6.20 In light of the above assessment, I consider that, on balance, the proposed development would be acceptable in all respects and meet the requirements of the various relevant adopted development plan policies and has satisfactorily overcome the previous ground for refusing planning permission. As such, the following recommendation is put forward:

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Proposed Plans and Elevations BDS-1449-02 B dated 19.03.2018, Location Plan BDS-1449-03 B dated 19.03.2018, Existing Plans and Elevations BDS-1449-01 dated 04.12.2017 subject to the following conditions:

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2. All materials used externally shall match those of the existing building.

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

3. The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:

(a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).

(b) No fires shall be lit within the spread of the branches of the trees.

(c) No materials or equipment shall be stored within the spread of the branches of the trees.

(d) Any damage to trees shall be made good with a coating of fungicidal sealant.

(e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.

(f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

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

4. The development shall not be carried out except in accordance with a construction methodology designed to avoid damage to trees, including their root systems during construction of the extension. The methodology shall be

submitted to and approved in writing by the local planning authority before digging of any foundations in connection with the extension hereby approved.

Reason: In the interests of visual amenity.

5. No development shall take place until the applicant, or their agent or successor in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

Contact: Paul Batchelor

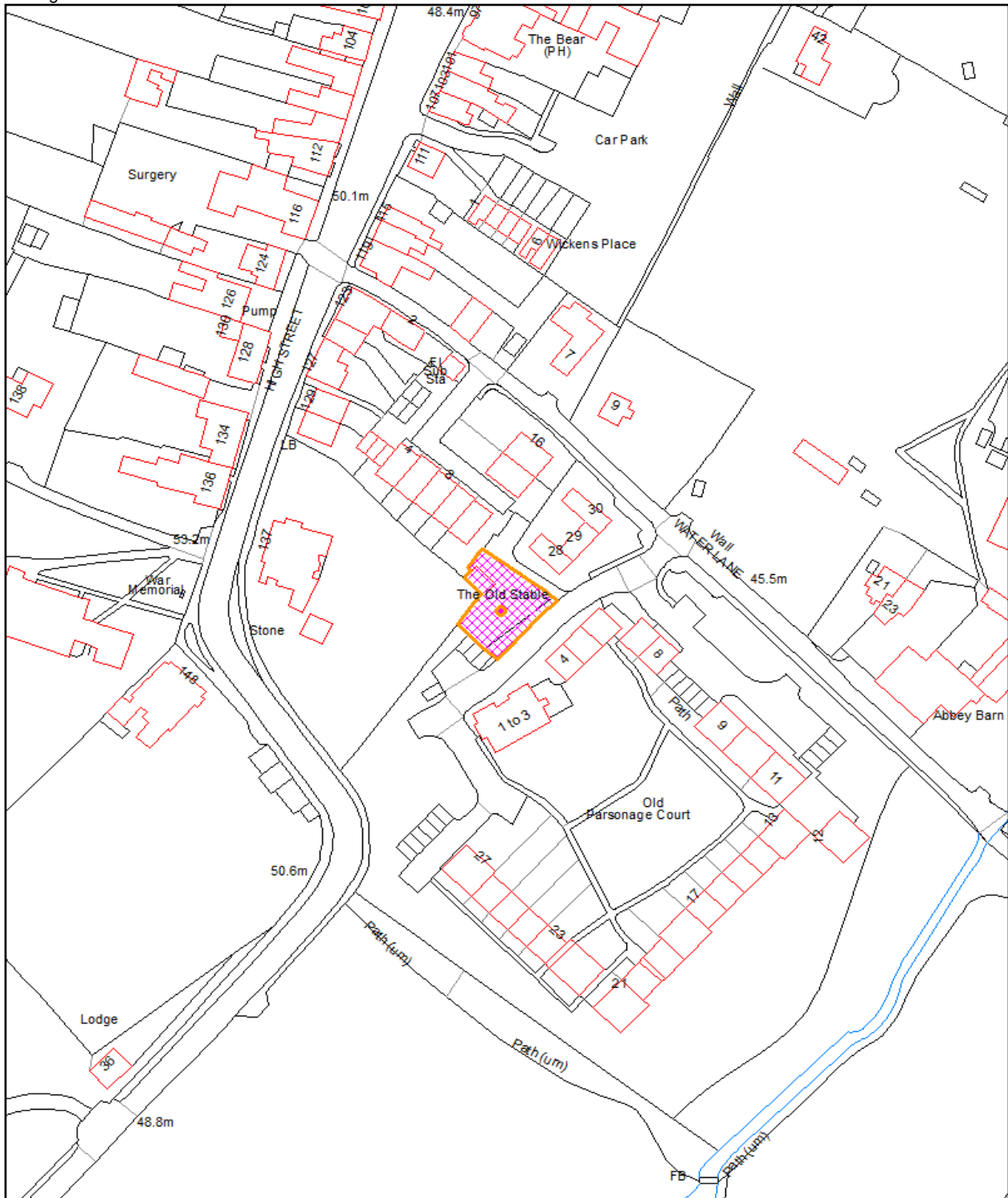
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TM/17/03354/FL

The Old Stable Building Old Parsonage Court West Malling Kent ME19 6NZ

Single storey extension and roof alterations to porch

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Alleged Unauthorised Development
Addington 16/00337/USEH
Downs And Mereworth

Location: Offham Service Station London Road Addington West Malling
Kent ME19 5AL

1. Purpose of Report:

- 1.1 To report the unauthorised use of land as a hand car wash and the associated provision of a portable cabin and portaloos used for associated staff facilities.
- 1.2 The portacabin measures 7m long x 2.85m deep and 2.9m high and is of metal sheet construction and light grey in colour with blue edging. The cabin is situated approximately 11m back from the London Road carriageway.
- 1.3 The portaloos are green in colour and measure approximately 1m wide x 1m deep x 2m high and are situated about 9m from the London Road carriageway.

2. The Site:

- 2.1 The site is located within the Metropolitan Green Belt, countryside and a Groundwater Source Protection Zone 2.
- 2.2 The site is located on the south side of London Road approximately 200m to the east of Seven Mile Lane and adjacent to the settlement of Wrotham Heath.

3. Relevant Planning History:

TM/17/02402/FL Refused 8 February 2018

Provision of portable cabin and portaloos for staff facilities associated with existing hand car wash (retrospective)

4. Alleged Unauthorised Development:

- 4.1 Without planning permission the unauthorised material change of use of land and siting of associated portacabin and portaloos to facilitate that use.

5. Determining Issues:

- 5.1 Retrospective planning permission for the use in question was refused under planning reference TM/17/02402/FL under delegated powers on 08 March 2018. Permission was refused for the following reasons:

- 1 *The proposed development, due to the portable buildings being located on land outside of the curtilage of the existing development, would be development on land that is not 'Previously Developed Land' and would constitute a material change of use of the land that would be inappropriate development in the Green Belt. The Local Planning Authority does not consider that Very Special Circumstances exist that would outweigh the harm from the development's inappropriateness, and the other harm identified to the openness of the Green Belt and countryside encroachment. The proposed development is therefore contrary to Policy CP3 of the Tonbridge and Malling Borough Core Strategy 2007 and Paragraphs 80, 87, 88 and 89 of the National Planning Policy Framework (2012).*

- 2 *The proposed development, as a result of the temporary nature and unsympathetic appearance of the portable buildings and their siting in a prominent position adjacent to the Classified Road of London Road, would have a demonstrably harmful impact on the street-scene, character and appearance of the area and visual amenity of the locality. The proposal is therefore contrary to Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, Policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraphs 56, 60, 61 and 64 of the National Planning Policy Framework 2012.*

- 5.2 As such, the development does not have planning permission and the decision to refuse on a retrospective basis for the reasons above indicates that it is not acceptable in planning terms, for the various reasons given above. It is therefore necessary to serve an Enforcement Notice to seek the cessation of the unauthorised use and removal of the structures which facilitate the use. I would suggest that a reasonable period of time to cease the use would be one calendar month from the notice taking effect, with a further two months to require the removal of all associated structures.

- 5.3 Members should note that the time period in which the operator of the car wash has to appeal the refusal of planning permission has not yet lapsed. In the circumstances I can see no reason to delay the commencement of enforcement proceedings through the serving of the notice, of which there is also a right of appeal in any event.

- 5.4 In light of the above, the following recommendation is put forward.

- 6. Recommendation:**

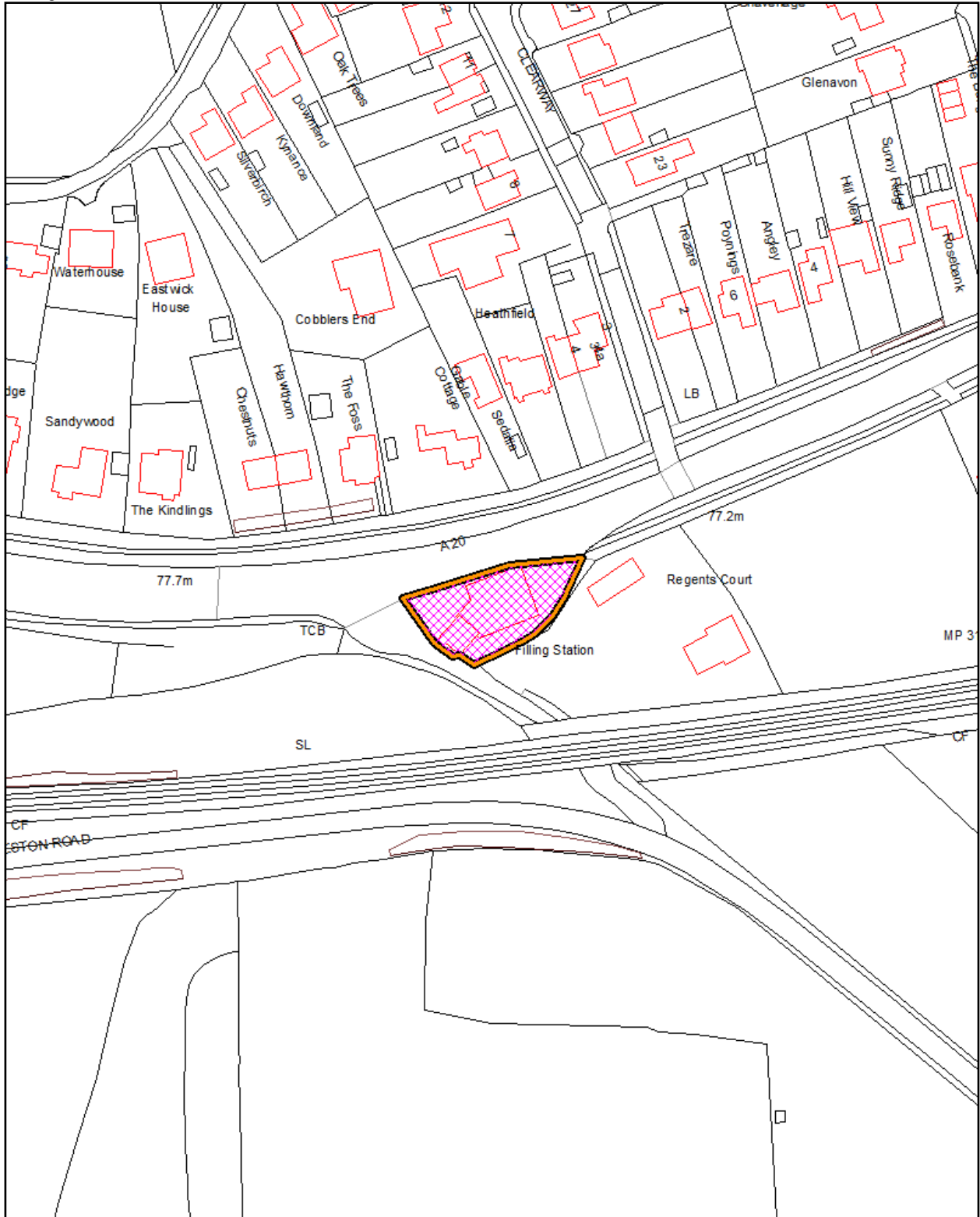
- 6.1 An Enforcement Notice **BE ISSUED** to seek the cessation of the unauthorised use of land and the removal of the associated unauthorised structures, the detailed wording of which to be agreed with the Director of Central Services.

Contact: Sam Chalmers-Stevens

16/00337/USEH

Offham Service Station London Road Addington West Malling Kent ME19 5AL

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Alleged Unauthorised Development
Platt 13/00128/USEM
Borough Green And
Long Mill

Location: Kellys Farm Crouch Lane Borough Green Sevenoaks Kent

1. Purpose of Report:

- 1.1 To report the unauthorised change in use of the site from agricultural to open storage of storage containers, vehicles and vehicle parts, caravan, building materials and rubble.

2. The Site:

- 2.1 The site is located within the Metropolitan Green Belt and forms an area of land to the west of Crouch lane.

3. Relevant Planning History:

- 3.1 None

4. Alleged Unauthorised Development:

- 4.1 Without planning permission the change in use of the land from agricultural to open storage of storage containers, vehicles and vehicle parts, caravans, builders' materials and rubble.

5. Determining Issues:

- 5.1 The site first came to the Council's attention following a complaint that it was being used as a residential caravan site. Although a caravan was located on the site, investigations found no evidence that it was being occupied for residential purposes. The site was subsequently monitored to establish if at any point this position changed. As part of the investigation, a Planning Contravention Notice was served on the owner of the site at his last known address and on site in an attempt to establish certain facts concerning the use of the caravan and the land on which it was located but no response has ever been received to that Notice.
- 5.2 More recently, and incrementally, the site has been increasingly used for the storage of not only the caravan but also a motor vehicle, motor vehicle parts, two large metal storage containers and a quantity of builders' rubble and waste materials, to a degree now where it is clear that a material change of use of the land has occurred. Such a change of use requires planning permission and no such permission has been granted.

5.3 The site lies within the Metropolitan Green Belt, where restrictive planning policies apply. The material change of use of land is considered to be inappropriate development within the Green Belt which is harmful by definition and which requires the demonstration of very special circumstances before planning permission can be granted. I can find no evidence of any very special circumstances being present in this case that would give rise to the grant of planning permission for the change of use. Furthermore, the nature and scale of the use occurring is causing overt harm to openness of the Green Belt and more general harm to the rural and visual amenities of the locality.

5.4 In light of these considerations, I recommend that it is appropriate to take Enforcement Action to seek the cessation of the unauthorised storage use and the removal of all storage containers, vehicles and vehicle parts, caravans, building materials and rubble. I would suggest than an appropriate time scale for compliance with the Notice be three calendar months from the Notice taking effect.

6. Recommendation:

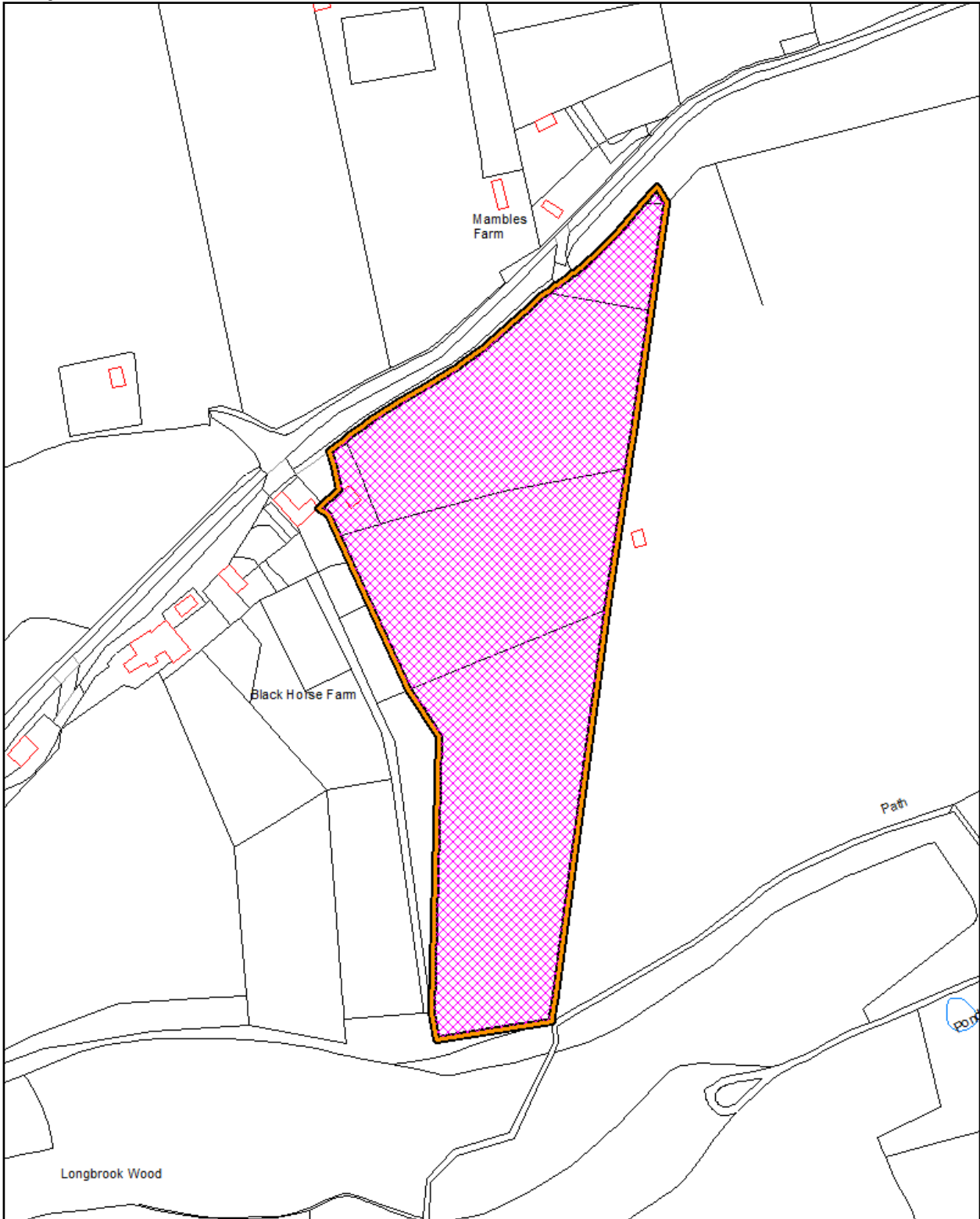
6.1 An Enforcement Notice **BE ISSUED** to seek the cessation of the use of the site as open storage and to remove from the land all storage containers, vehicles and vehicle parts, caravans, building materials and rubble.

Contact: Richard Edmonds

13/00128/USEM

Kellys Farm Crouch Lane Borough Green Sevenoaks Kent

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Agenda Item 11

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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