

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

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### Chief Executive

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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@tmbc.gov.uk](mailto:committee.services@tmbc.gov.uk)

21 May 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, 30th May, 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

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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**

14. 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 B J Luker (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 S R J Jessel  
Cllr Mrs S L Luck  
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, 11th April, 2018

**Present:** Cllr Mrs F A Kemp (Chairman), Cllr Mrs J A Anderson, Cllr M A C Balfour, Cllr R P Betts, Cllr M A Coffin, 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 and Cllr M Taylor.

Councillors O C Baldock and N J Heslop were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors S R J Jessel (Vice-Chairman), Mrs S M Barker and Mrs S L Luck.

### PART 1 - PUBLIC

#### **AP2 18/1 DECLARATIONS OF INTEREST**

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

#### **AP2 18/2 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 2 Planning Committee held on 13 December 2017 be approved as a correct record and signed by the Chairman.

### MATTERS FOR RECOMMENDATION TO COUNCIL

#### **AP2 18/3 PROPOSED DIVERSION OF PUBLIC FOOTPATH MR218, STANSTED**

Consideration was given to a request by Kent County Council for Tonbridge and Malling Borough Council to make an order under Section 257 of the Town and Country Planning Act 1990 to divert a public right of way (MR218 at Stansted) to enable development to take place.

Details of the length of footpath to be diverted and the proposed new route were illustrated in Appendix A to the report. An extract from the Definitive Map was attached at Appendix B to show the path in context with the rest of the public rights of way network.

Consultation had been carried out as required by the Act and it was reported that local County and Borough Councillors had raised no objection. Kent County Council was satisfied that all the legal tests had been met in that the Borough Council had granted planning permission

under Part III of the Town and Country Planning Act 1990 for development and that this section of MR218 would be adversely affected by the development.

**RESOLVED:** That an Order to divert public footpath MR218 at Stansted, as shown in Appendix A to the report, be made under Section 257 of the Town and Country Planning Act 1990 in order for development to be carried out.

**\*Referred to Council**

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

**AP2 18/4 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 18/5 TM/17/03403/FL - PRUNELLE, CHURCH LANE, TROTTISCLIFFE**

Addition to driveway to create a drive on drive off at Prunelle, Church Lane, Trottiscliffe.

**RESOLVED:** That planning permission be REFUSED for the following reason:

The development, by virtue of the amount of hardstanding, the materials to be used and the limited opportunity to provide for soft landscaping within the site; combined with the prominence of the site due to land levels would cause visual harm to the appearance of the site and wider locality which is designated as an Area of Outstanding Natural Beauty. The development is therefore contrary to the requirements of CP7 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policy SQ1 of the Managing Development and the Environment DPD 2010 and paragraph 115 of the National Planning Policy Framework 2012.

[Speakers: Richard Wallis – Trottiscliffe Parish Council]

**AP2 18/6 TM/17/03354/FL - THE OLD STABLE BUILDING, OLD PARSONAGE COURT, WEST MALLING**

Single storey extension and roof alterations to porch at The Old Stable Building, Old Parsonage Court, West Malling.

**RESOLVED:** That planning permission be GRANTED in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health; subject to

(1) Amended Conditions:

2. All materials used externally shall accord with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

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

4. No development shall take place until there has been submitted to and approved by the Local Planning Authority an updated arboriculture report that provided a survey of the trees on and adjacent to the site and a construction method statement for the development and tree protection measures in accordance with B.S.5837:2012 'Trees in relation to design, demolition and construction'. The development shall be carried out in strict accordance with the approved report.

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.

(2) Additional Condition:

6. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), no further windows of similar openings shall be constructed in any elevation or roof slope of the extension hereby approved.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy of adjoining property.

(3) Additional Informative:

1. With regard to the construction phase of the development, the applicant is asked to take all reasonable steps to mitigate any impact upon surrounding residents. The applicant is also advised to not undertake construction works outside the hours of 0800 – 1800 Mondays to Fridays, 0800 – 1300 on Saturdays and to not undertake

works on Sundays, Bank or Public holidays. Furthermore, arrangements for the management of construction traffic to and from the site should be carefully considered in the interests of residential amenities.

[Speakers: Pauline Wilkinson and Simon Cook – members of the public and Joe Alderman – agent]

**AP2 18/7 ALLEGED UNAUTHORISED DEVELOPMENT - 16/00337/USEH - OFFHAM SERVICE STATION, LONDON ROAD, ADDINGTON**

The Director of Planning, Housing and Environmental Health reported the unauthorised use of land as a hand car wash and the associated provision of a portable cabin and portaloos used for staff facilities. This represented a material change of use of land without planning permission.

**RESOLVED:** That 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.

**AP2 18/8 ALLEGED UNAUTHORISED DEVELOPMENT - 13/00128/USEM - KELLYS FARM, CROUCH LANE, BOROUGH GREEN**

Members were advised of an unauthorised change in use of the site from agricultural to open storage of containers, vehicles and vehicle parts, caravan, building materials and rubble. This represented a change in use of the land without planning permission.

**RESOLVED:** That 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.

**AP2 18/9 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.30 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

**Ightham**

Wrotham, Ightham And  
Stansted

**9 May 2017**

**TM/17/01268/FL**

Proposal: Part demolition and works for the conversion of the existing riding arena building as a dwelling with removal of sand school and associated external alterations to the building, engineering works, access, parking, landscaping and ecological enhancement works (Resubmission of TM/16/00776/FL)

Location: Barnfield Cottage Stone Street Road Ivy Hatch Sevenoaks Kent TN15 0NH

Applicant: Mr & Mrs John and Iwona McElroy

Go to: [Recommendation](#)

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## 1. Description:

1.1 Members will be aware that an application for the partial demolition and conversion of the existing private indoor riding arena building into a single dwelling at this site along with the removal of the sand school and associated engineering operations under planning reference TM/16/00776/FL was refused by APC2 at the meeting of 28 September 2016 on the following grounds:

*The proposed development would involve significant rebuilding of an existing building and a change of use of a private sand school to residential garden and as such amounts to inappropriate development in the Metropolitan Green Belt, which is harmful by definition and for which no very special circumstances exist. The proposal is therefore contrary to paragraphs 87-90 (inclusive) of the National Planning Policy Framework 2012 and policy CP3 of the Tonbridge and Malling Borough Core Strategy 2007.*

1.2 In that instance, the Committee considered that the information submitted in connection with the application was not sufficient to provide the necessary assurance that the building was capable of conversion and thus accord with the requirements of Green Belt policy in this respect.

1.3 The current application presents a revised scheme to the one mentioned above which incorporates the following changes to the previous scheme:

- Reduction in the width of the building by removing two spans (12m width) instead of one span (6m). The building will be reduced from the opposite western side of the building
- Re-siting of the parking and turning area closer to the host dwelling and its outbuildings
- Provision of native hedgerows to define the domestic curtilage

- Provision of landscape/ecology enhancements, including new tree plantings between the building and the dormant cobnut orchard to the northwest
  - Provision of hedgerows along the southwest and south boundaries.
- 1.4 Additional details were submitted on 17 November 2017, including a Visual Structural Inspection prepared by JMLA (November 2017) and details of revised roof cladding from slate to insulated metal roof panels in slate grey colour.
- 1.5 The external materials to be applied will consist of a red/brown brick plinth, dark stained red wood cedar weatherboard wall cladding, slate grey metal roof sheeting and stained timber doors, windows and shutters. An arrangement of roof lights is proposed each side of the ridge of the building.
- 1.6 Access to the site will be provided by using the main access drive for Barnfield Cottage. The parking and turning area is now to be provided between the northeast corner of the building and the low profile timber shed to its east.
- 1.7 Surface water from the building is to be drained to a new soakaway and foul water is to be directed to a new package treatment plant.
- 1.8 A Planning, Design and Access Statement, Structural Engineering Appraisal Report (Phoenix Consulting Engineers), Visual Structural Inspection (JMLA), Extended Phase 1 Habitat Survey and Bat Building Survey (Corylus Ecology) and a Tree Survey (Tree Craft) have been submitted with the application.
- 1.9 Members will note that an alternative scheme for the same site appears elsewhere on the agenda for consideration. Each application falls to be determined on its own individual merits in light of the relevant policy considerations rather than on the basis of which scheme might be a preferred option for the site.

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

- 2.1 Given the recent planning history of the site.

## **3. The Site:**

- 3.1 The application site comprises an area of 0.53ha (1.3 acres) and is located on the south side of Stone Street Road, about 150m to the west of Pine Tree Lane to the west of the centre of the hamlet of Ivy Hatch. It comprises an area of land to the west of the host dwelling of Barnfield Cottage that includes a disused competition scale equestrian riding arena building and a sand school. The building is sited about 80m from Stone Street Road and 6.5m back from PROW bridleway MR425 that extends past the western boundary of the site. The land slopes markedly down from north to south. A small dormant cobnut orchard is situated between the application site and Stone Street Road.

- 3.2 The riding arena building was erected in the early/mid 1980s under planning permission TM/82/726, subject to planning conditions requiring the building to be used only for the exercise and training of horses owned by the occupiers of Barnfield Cottage and for purposes incidental to the residential enjoyment of this dwelling, and the implementation of a scheme of landscaping. This permission was varied under reference TM/82/1144. The building has a footprint of 43m x 21.5m, with an eaves height of 4.1-4.7m and ridge height of 6.5-7m. It is of steel framed construction and clad in corrugated asbestos sheeting. The building is set into the slope of the land and positioned at the bottom of a valley in the landscape.
- 3.3 A sand school (60m x 20m) is situated to the north of the riding arena, positioned on an engineered plateau that sits well above the floor level of the riding arena building but well below the land further to the north. This was granted planning permission in the early 1990s under reference TM/90/1024.
- 3.4 The site is within the Green Belt, Countryside, Kent Downs AONB and partially within a Groundwater Source Protection Zone and Aquifer Designation. An area of woodland on the northern side of Stone Street Road is designated as Ancient Woodlands and part of an SSSI.
- 3.5 The residential properties of Catmint Cottage, Point House and Beaconsmount are situated on the northern side of Stone Street Road to the north/northeast of the application site. The field to the west of the bridleway rises to a ridge that is significantly above the level of the application site. The land to the west of the bridleway is within Sevenoaks District Council.

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

TM/14/01695/FL	Refuse	15 July 2014
	Appeal Dismissed	25 March 2015

Redevelopment of redundant indoor riding arena, sand menage and engineered banks with a single dwelling, detached garage and associated new vehicular access

TM/16/00776/FL	Refuse	3 October 2016
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Part demolition and re-use of existing riding arena building as a dwelling with removal of sand school and associated external alterations to the building, engineering works, access, parking and residential curtilage

TM/18/00396/FL	Pending
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Re-development of the site comprising of; demolition of existing indoor riding arena; removal of an external sand school and the erection of a vernacular dwelling with associated engineering works; access; parking; landscaping and ecological enhancement works

**5. Consultees:**

5.1 PC: No objection.

5.2 EA: No comments to make on this application as it falls outside of our remit.

5.3 Sevenoaks DC: No objection.

5.4 KCC (PROW): No objection. Public Right of Way MR425 Bridleway runs alongside the application site. Whilst we do not object to the application, we ask that the new hedgerow is installed 1.5m away from the boundary to the bridleway and that the applicant be made aware that they shall be responsible for any maintenance required on the hedge.

5.5 Natural England: No objection. Natural England has assessed this application using the Impact Risk Zones data (IRZs) and is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which Oldbury and Seal Chart has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

5.6 KWT: Objection. Remain opposed to the development for the following reasons:

5.6.1 Paragraph 90 of the NPPF deals with the conversion of permanent buildings in the countryside. It requires that such proposals should “preserve the openness of the Green Belt and ... not conflict with the purposes of including land in Green Belt”. It appears to me that the development still involves an encroachment into the countryside which is one of the five purposes of the Green Belt (paragraph 80). The proposal thereby fails the test of paragraph 90.

5.6.2 My concerns about encroachment stem from the fact that the proposed change of use would introduce a greater level of human activity, external illumination and domestic animal predation to the site. Despite its enhancement in this second application, these dis-benefits would undermine significantly the value of the wildlife corridor, contrary to NPPF (paragraph 109) and TMBC’s planning policy NE3.

5.7 CPRE: Objection. The following comments have been provided:

5.7.1 Primary previous objection was the degradation of the wildlife corridor between the two that would be associated with human habitation. Land to the north and west of the site remains in the ownership of Barnfield Cottage and is dense shrub. West within the site and along the southwest border is to be planted with triple staggered native hedgerows, which will also screen a large part of the existing building to the north. This will be combined with 45 2m-bare root trees to be planted to the south and west. The area between the goal posts (right) is to be



planted with a high nectar meadow mix of grasses. Habitat enhancements for bees and amphibians are also included. The building is clearly redundant, it appears to have a stable steel structure but the existing cladding is in poor condition. From a green belt perspective the openness will benefit from the reduction in size of the structure but garden paraphernalia and car parking would be a potential dis-benefit. The size of the associated garden should be limited to the immediate vicinity of the structure. The AONB could benefit from an appropriate sized and well-maintained building as opposed to a poorly clad steel structure.

5.7.2 Many of the objector's letters refer to the presence of bats and owls locally and this would be likely given the local habitat within the SSSIs. CPRE agrees with the expressed concerns that the inclusion of 32 conservation roof lights will be an unnecessary source of light pollution that potentially will have a detrimental effect on foraging bats and owls. There is also a missed opportunity to provide bat and bird nesting opportunities in the surrounding mature trees.

5.7.3 Overall CPRE is of the opinion that this is a much improved application that could be made acceptable but currently maintains its objection due to the possibility of night time light pollution.

5.8 KFRS: No comments received.

5.9 Private Reps + site and press notice: 9 /0X/8R/1S. Objections raised on the following grounds:

- The dwelling and access drive would introduce urban built form to the rural area which would be inappropriate and encroach within the Green Belt and Countryside
- The development would have an adverse effect on the rural character and visual amenity of the countryside and AONB
- The development would greatly increase vehicle trip generation in the area
- The development would be highly visible from, and affect the enjoyment of, the public footpath
- Light pollution from the proposed roof lights would disrupt bats and other nocturnal species
- The development would disturb existing wildlife
- No very special circumstances in the Green Belt have been provided to justify the development
- The development involves significant rebuilding of an existing building and a change of use
- The proposed hedge along the bridleway boundary would block views

- The construction vehicles for the development would create traffic congestion and could endanger walkers and cyclists using the lane
- The development would impact on the established wildlife corridor and adjacent SSSI and Ancient Woodlands

5.10 The comments in support of the scheme are summarised as follows:

- Logical replacement of the existing building and will be well hidden

## **6. Determining Issues:**

- 6.1 The main issues are whether the proposal would be inappropriate development in the Green Belt and, if so, whether any very special circumstances can be demonstrated which outweigh the harm caused; whether the new dwelling created would be sustainable development in the rural area; whether the existing building is suitable for conversion to a dwelling; whether the conversion and proposed external alterations to the building would affect the appearance or character of the area; and whether the development would affect the visual amenity of the AONB and broader rural locality, the adjacent PROW, local ecology or neighbouring amenity.
- 6.2 Members should note that since the previous applications for this site were determined it has been confirmed that the Council can now no longer demonstrate a five year supply of deliverable housing sites.
- 6.3 Paragraph 49 of the NPPF advises that “housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”
- 6.4 Paragraph 14 of the NPPF thus advises that for decision taking the presumption in favour of sustainable development means approving development proposals that would accord with the development plan without delay; and where relevant development plan policies are out-of-date, planning permission should be granted unless:-
- (i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
  - (ii) specific policies in the Framework indicate development should be restricted (reference is made to footnote 9); insofar as they relate to this site, the restrictive policies govern matters of development in the Green Belt, AONB and SSSI designations.

*Development in the Green Belt:*

- 6.5 The application site is in the Green Belt where Policy CP3 of the TMBCS advises that National Green Belt policy will apply (Section 9 of the NPPF).
- 6.6 Paragraph 87 of the NPPF advises that *“as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”*
- 6.7 Paragraph 88 follows stating that *“when considering any planning application, 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 potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.*
- 6.8 Paragraph 90 of the NPPF advises that the re-use of buildings that are of permanent and substantial construction, along with engineering operations, are certain forms of development that are 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. The key issue in the consideration of the previous refusal centred on whether the “permanent and substantial” requirement had been satisfactorily met.
- 6.9 The development proposes to reuse the existing private riding arena building as a dwelling. As confirmed in a previous section of this report, the Visual Structural Inspection report (JMLA structural and civil engineers) submitted by the applicant concludes that “the building structure is sound and suited for the proposed conversion to a domestic dwelling” and that the building can be considered to being of permanent and substantial construction.
- 6.10 One of the main issues raised by Members in respect to the previous scheme was the amount of building works or rebuilding required in reducing the size of the existing building and whether the building would be capable of supporting the proposed slate roofing. The applicant has submitted an additional Visual Structural Inspection report in order to address these matters.
- 6.11 The report has been based on the proposed changes to the building which include the removal of two end bays to reduce its length and replacement of the existing asbestos cladding with slate grey insulated trapezoidal metal roof panels (Kingspan KS1000 RW) and the provision of stained western red cedar to the exterior walls.
- 6.12 The report concludes that *“the strength capacity of the existing frame and purlins is more than sufficient to support the proposed roofing system with no need for any additional roof strengthening/roof support, and no need for any structural modification to the existing purlins”.* The report also advises that the in-plane lateral stability of the structure is considered to be sound and would remain so

after conversion and the out-of-plane lateral stability of the structural frame is also sound and would remain so for the conversion with the re-use of the bracing from the end bay to be removed. It was confirmed that *“in engineering terms the building structure is sound and suited for the proposed conversion to a domestic dwelling.”*

- 6.13 The report confirms that to accommodate the revised metal sheet roof cladding there would be no requirement to modify the existing purlins or provide any additional strengthening to the roof structure which would address one of the previous concerns of Members as to whether new structural reinforcements would be required to deal with additional loading from the previously proposed slate tiles.
- 6.14 The remaining issue is therefore whether the removal of the 2-bay section of the existing building and the bracing of the new western end using the existing end bracing that is to be removed would constitute major or complete reconstruction. It is noted that some rebuilding would be required to brace and reclad the new western elevation.
- 6.15 The High Court judgment in *Hibbitt v. SSCLG [2016] EWHC 2853 (Admin)* provides some clarification on construction and conversion of buildings. The Judge here accepted that *“the extent of the works to be undertaken was one ... relevant consideration that could assist in forming a judgment whether the works were part of a conversion or were, instead, part of a rebuild or fresh build.”*
- 6.16 Relevant to this point is an Appeal Decision allowed by the Planning Inspectorate for Roswood Farm Burtons Lane Chalfont St Giles (10 September 2013) where there was a proposal for the demolition of part of an existing barn and conversion of the remaining barn and adjacent groom's accommodation to a dwelling. The Inspector in this case advised that *“within the section of the barn to be retained and converted, the steel portal frame, foundations and blockwork infill panels can all be retained ... [and that] some strengthening would be necessary, along with conversion works, internal remodelling, new roof coverings and other alterations, but such works would be necessary in any event to convert these buildings for habitable accommodation to an acceptable standard.”*
- 6.17 In light of the above appeal decision and High Court Judgment, I do not consider that the amount of building works or rebuilding proposed would be substantial or would represent major reconstruction of the building. I am therefore satisfied that the existing building has been shown to be of permanent and sound construction and capable of conversion (to a dwelling) without major or complete reconstruction.
- 6.18 A 12m x 21.5m (258m<sup>2</sup>) section is to be removed from the western end of the building which would reduce the overall size of the building by 28% and reduce the building's encroachment to the west which would result in the retained part of the building appearing closer to the existing built form of Barnfield Cottage. This would result in a substantial improvement to the openness of the Green Belt,

which goes beyond the requirement of paragraph 90 of the NPPF in terms of preserving openness.

- 6.19 The provision of a residential curtilage to serve the newly created dwelling would constitute a material change of use of land that would be inappropriate development within the Green Belt, which is harmful by definition, thus requiring very special circumstances to be demonstrated that outweighs the harm arising.
- 6.20 The domestic curtilage for the converted building is to be defined by an existing fence to the south and proposed hedgerows to the western side of the building. The development proposes a small extension to the main access drive and a hard surfaced parking and turning area now provided closer to the outbuildings surrounding Barnfield Cottage.
- 6.21 Overall, it is considered that the overt benefits to openness from the reduced size of the building and to the appearance of the building would clearly outweigh the harm from the inappropriateness of the material change of use of the land adjacent to the building to residential curtilage. Accordingly, very special circumstances exist in this specific case.

AONB:

- 6.22 Policy CP7 of the TMBCS advises that development which would be detrimental to the natural beauty and quiet enjoyment of the AONB, including landscape, wildlife and geological interest, will not be permitted other than in exceptional circumstances. Paragraph 115 of the NPPF also advises that great weight should be given to conserving landscape and scenic beauty in AONBs.
- 6.23 In this case, I consider that the development would enhance the appearance of the existing building and the land immediately surrounding the building. Although the new residential use would bring some additional impact from domestic lighting, car movements and general residential activity and paraphernalia, I do not consider that these, given the existing lawful equestrian use of the building and site, would adversely affect the natural beauty and quiet enjoyment of the AONB. The proposal would therefore not conflict with Policy CP7 of the TMBCS or paragraph 115 of the NPPF

SSSI:

- 6.24 Policy CP8 of the TMBCS advises that development that would directly, indirectly or cumulatively cause material harm to the scientific or nature conservation interest of a SSSI will not be permitted. Paragraph 118 of the NPPF states that development within or outside a SSSI that is likely to have an adverse effect on a SSSI should not normally be permitted.
- 6.25 The submitted Extended Phase 1 Habitat Survey and Bat Building Survey report advises that there is no aerial connectivity between the Oldbury and Seal Chart

SSSI and the former cobnut orchard to the north of the site and that terrestrial connectivity is interrupted by Stone Street Road and therefore the SSSI would not be impacted by the proposed development. This advice is consistent with comments from Natural England who have advised that the development “will not damage or destroy the interest features for which Oldbury and Seal Chart has been notified.” Accordingly, the proposal would not conflict with Policy CP8 of the TMBCS or paragraph 118 of the NPPF

6.26 In light of the above assessment, it is concluded that the specific policies outlined in the footnote to paragraph 14 of the NPPF would not restrict development in this case. The presumption in favour of sustainable development therefore re-emerges and can be considered as per the following.

*Development in Rural Areas:*

6.27 Policy CP14 of the TMBCS restricts development in the countryside to specific development listed in the policy to ensure that most development is concentrated in or adjoining existing built up areas. The conversion of an existing building for residential use is development that is listed and therefore the proposal would not be contrary to this policy.

6.28 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.

6.29 The previous report for this site that went before the committee under planning reference TM/16/00776/FL stated that the “new dwelling would be isolated in that it would be outside of any nearby settlement”. It is also noted that the Planning Inspector in their decision on the scheme under planning reference TM/14/01695/FL advised that the dwelling proposed in that case would be isolated. However, since the determination of these two previous applications, a judgment has been handed down by the Court of Appeal (*Braintree DC v SSCLG* [2018] EWCA Civ. 610) that provides clarification on paragraph 55 of the NPPF and the meaning of the word “isolated” for the purposes of its application.

6.30 LJ Lindblom advised in this judgment that the wording of the policy “*simply differentiates between the development of housing within a settlement – or village – and new dwellings that would be isolated in the sense of being separate or remote from a settlement.*” He further stated that when taken in its particular context within the policy “*the word ‘isolated’ in the phrase ‘isolated homes in the countryside’ simply connotes a dwelling that is physically separate or remote from a settlement.*”

6.31 LJ Lindblom advised further that “*it is not said that a settlement or development boundary must have been fixed in an adopted or emerging local plan, or that only the land and buildings within that settlement or development boundary will*

*constitute the settlement [and that] ... a settlement would not necessarily exclude a hamlet or a cluster of dwellings, without, for example, a shop or post office of its own, or a school or community hall or a public house nearby, or public transport within easy reach. Whether, in a particular case, a group of dwellings constitutes a settlement, or a "village", for the purposes of the policy will again be a matter of fact and planning judgment for the decision-maker."*

- 6.32 He further confirmed that *"the restriction of an 'isolated home' to one that is isolated from services and facilities would deny policy support to a rural home that could contribute to social sustainability because of its proximity to other homes."*
- 6.33 In this case, although Ivy Hatch does not have a defined settlement boundary, the new dwelling would be located in close proximity to other residential properties that provide a series of residential properties that extend out from the centre of Ivy Hatch (The Plough Public House) along both sides of Stone Street Road. I therefore consider these residential properties form part of the local settlement/hamlet and community of Ivy Hatch and that the new dwelling would not be remote from these properties. The proposal would thus provide a new dwelling that would contribute to the vitality of the local rural community. As such, I do not consider that the site can reasonably be said to be isolated within this clarified context and as such the proposal would not conflict with paragraph 55 of the NPPF.
- 6.34 In terms of Policy DC1 of the MDE DPD, which relates to the re-use of rural buildings, for the reasons set out in the preceding assessment the scheme accords within the requirements of this policy in terms of being of sound construction and capable of conversion.

*Character, Landscape and Visual Amenity:*

- 6.35 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. Part 1(a) of Policy DC1 of the MDE DPD also requires the general design and use of materials to be in keeping with the character of the area.
- 6.36 The external alterations to the building now include the removal of a 12m x 21.5m section from the west side of the existing building, insertion of new windows and doors in all elevations and the recladding of the building by way of a red-brown brick plinth, stained western red cedar boarding, slate grey metal roof sheeting and timber windows and doors. The reduction in the size of the building would make it less prominent within its setting than that proposed for the previous scheme. I consider the overall appearance of the building with the revised external finishes would result in a clear enhancement to the character and visual amenity of the immediate rural area.

- 6.37 This revised scheme also provides substantial hedgerow and tree planting. Native hedgerows are to be planted to provide a more defined domestic curtilage for the dwelling and to provide a good level of screening of the development from the public bridleway. Trees are to be planted between the building and the adjacent dormant cobnut orchard to the northwest. Additional trees are to be planted to the south of the building and adjacent to the north side of the proposed parking area. The re-graded area of the former sand school is to be planted out with meadow and flowering lawn mixtures. These landscaping proposals would provide visual improvements to the site. Further details of hard landscaping scheme and boundary treatments can be secured by condition.
- 6.38 The existing vehicular access serving Barnfield Cottage will be used to provide access to the new dwelling and the parking and turning area is to be located so to minimise the amount of additional hard surfacing required.
- 6.39 A revised Tree Survey has been submitted (prepared by Tree Craft – dated May 2017). The survey report assesses the trees on the site and their suitability for retention in light of the proposed development. The report indicates that 37 trees have been assessed as category ‘C’ (Trees of low quality), of which 4 are to be removed. Twenty four (24) trees have been assessed as category ‘U’ (Trees unsuitable for retention), of which 21 trees are to be removed. The other 36 trees are to be retained. It has been advised that the majority of the trees to be removed are growing in a precarious location on a steep bank between the building and the sand school which has significantly compromised their structural integrity and suitability for retention. I do not consider the removal of the trees proposed would adversely affect the visual amenity of the area.
- 6.40 Accordingly, I do not consider that the proposed development would harm the appearance and character of the area or the visual amenity of the rural locality and would therefore satisfy Policies CP24 of the TMBCS and SQ1 of the MDE DPD and Part 7 of the NPPF requiring good design. It would also accord with Part 1 of Policy DC1 of the MDE DPD as it relates to character and rural amenity.

Parking/Highways/PROW:

- 6.41 A car parking area has been provided adjacent to the northeast corner of the building which will provide adequate parking and turning for the development. The traffic generated by one additional dwelling would not be significant and the development will utilise the existing access to Stone Street Road which is considered to be of a high standard with gates set well back from the highway.
- 6.42 Bridleway MR425 extends past the western boundary of the site. KCC PROW has reviewed the proposal and has not submitted any objection but has asked that the hedgerow shown on the plans be located 1.5m away from the boundary to the bridleway. An informative can be added to any permission granted.



- 6.43 I am satisfied that adequate access to the site is provided for fire service vehicles. The main access from Stone Street Road is of a generous size and the access road to the site is spacious and unimpeded and would allow for such vehicles to turn around.
- 6.44 Accordingly, I am satisfied that the development would not result in any significant harm to highway safety and that any residual cumulative impacts on the transport network would not be severe which is the test in the NPPF. The proposal therefore accords with Policies SQ8 of the MDE DPD and paragraph 32 of the NPPF. It also satisfies Policy DC1 of the MDE DPD as it relates to highway impacts.

Ecology:

- 6.45 In terms of impact of the development on protected species, a revised Extended Phase 1 Habitat and Bat Building Survey (prepared by Corylus – dated May 2017) has been submitted that provides an updated survey of the habitats on the site and surrounding area and an assessment of the potential of the site to support protected species. A bat survey was also undertaken.
- 6.46 The report concludes that there is no potential for bats in the building and no evidence of barn owls. The habitat enhancements proposed would be adequate to mitigate for the loss of a small and infrequently used bat feeding perch. No field evidence of bat presence was found. One tree with the potential for a bat roost was noted where a further bat survey is recommended if works are proposed. Pruning is recommended for this tree in the Tree Survey report. A condition can be added requiring a further bat survey. The report further advises that there is no habitat for dormice on the site and the likelihood of the presence of amphibians including great crested newts is very low. The trees and building have the potential for breeding birds but recommendations have been provided in the case of works being undertaken during the breeding season. No badger setts were identified on the site but the site may be used by badgers for foraging. A further survey can be required by condition. An ecological enhancement strategy has been proposed including a generous scheme for native planting to create a new ecology corridor that will benefit species including badger, dormice and hedgehogs and will provide habitats for invertebrates and birds.
- 6.47 It is noted that KWT has maintained its objection to the development on the grounds that the change of use to residential would introduce a greater level of human activity, external illumination and domestic animal predation to the site and that these would be a dis-benefits that would undermine the value of the wildlife corridor. Impact on bats from the large number of proposed roof lights has also been raised by several local residents. It is acknowledged that the development is likely to cause some impact on the ecology of the site; however, in taking into account the impact of the established equestrian use, the restricted area defined as domestic curtilage and the new habitat planting scheme proposed and the

enhancement to the area's ecology that this will bring, I am satisfied that the development would not negatively impact on protected species or adversely affect biodiversity or habitats in the immediate area.

- 6.48 External lighting can be controlled by the imposition of an appropriate planning condition. Roof lights can be reduced in number and restricted to the southern roof slope that faces away from the main habitat area. A condition can be added to secure this change.
- 6.49 The development would therefore not conflict with Policies NE2, NE3 and Part 1(e) of DC1 of the MDE DPD or paragraphs 109 and 118 of the NPPF.

Other material considerations:

- 6.50 The current scheme would not affect any surrounding agricultural land holding. The building is of no historic interest, no operations or uses nearby would compromise the residential use of the site and the domestic curtilage proposed has been suitably defined such that the level of paraphernalia would not adversely impact on the rural character of the area. The proposal therefore meets these specific provisions of Policy DC1 of the MDE DPD.
- 6.51 As the proposed development consists of the demolition of an old rural building, it is recommended that a land contamination watching brief condition be imposed to safeguard the situation in the event that significant deposits of made ground or indicators of potential contamination are discovered during the development. It has also been noted that the existing building is clad in asbestos sheeting. An informative relating to asbestos will also be added. The development would therefore accord with paragraphs 120-121 of the NPPF.
- 6.52 Given the position of the building within the site and its distance from the nearest residential properties, there would be no adverse impact on neighbouring residential amenity arising from the proposal.
- 6.53 A package treatment plant has been specified for foul water disposal but the first preference is for connection to the mains sewer especially as the site is partially within a Groundwater Source Protection Zone, so a condition will be imposed accordingly. There are no objections to a soakaway being used for surface water disposal.
- 6.54 In order to safeguard the openness of the Green Belt it is considered necessary and reasonable to remove permitted development rights relating to extensions to the dwelling, erection of outbuildings and fences and creation of any new vehicular access.

Conclusions/Planning Balance:

- 6.55 The proposed scheme re-uses an existing building for residential use and removes a sand school to provide a domestic garden that would improve openness. The new dwelling would also not be an isolated home in a rural area and would contribute to the vitality of the rural settlement/community of Ivy Hatch. The conversion would also be a sustainable form of development. It is considered that the building is of sound and permanent construction and is suitable for conversion and would not require substantial rebuilding. The proposed changes to the exterior of the building would result in an overall building appearance that is adequately sympathetic to its rural setting and the development minimises the need for additional hard surfacing by using the existing access for Barnfield Cottage. A scheme for the provision of landscaping and ecological enhancements has also been proposed that will benefit both the visual amenity of the area and local ecology.
- 6.56 I also consider that the scheme addresses the key concerns raised by the Committee under the previous application (TM/16/00776/FL) relating to the soundness of the construction of the building and the appropriateness of the development in the Green Belt.
- 6.57 In light of the above, I consider that the proposed development accords with the development plan and NPPF and therefore it is recommended that planning permission be granted.

**7. Recommendation:**

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Letter received 09.05.2017, Planning, Design And Access Statement received 09.05.2017, Arboricultural Survey received 09.05.2017, Ecological Assessment + Bat Survey received 09.05.2017, Landscape Layout DHA/11917/01 received 09.05.2017, Site Plan 102 P5 received 09.05.2017, Roof Plan 106 P3 received 09.05.2017, Cross Section 107 P3 received 09.05.2017, Existing Elevations 108 P2 received 09.05.2017, Site Survey 109 P1 received 09.05.2017, Location Plan 101 P3 received 09.05.2017, Email received 17.11.2017, Structural Survey 1706655/bg received 17.11.2017, Details Roof Cladding received 17.11.2017, Proposed Floor Plans 105 P5 received 17.11.2017, Proposed Elevations 104 P5 received 17.11.2017, Structural Survey 17/1001\_REVA received 09.05.2017, 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 Prior to commencement of the conversion works to the building, details and samples of all materials to be used externally on the building and a schedule of works detailing the application of the materials to the existing building to be converted shall be submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

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

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Classes A-E of Part 1 and Classes A-B of Part 2 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: To ensure that the development does not harm the appearance of the building, character of the area or openness of the Green Belt.

- 4 The dwelling shall not be occupied, until the areas shown on the submitted layout as new access, parking and turning area have been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to the reserved parking space.

Reason: In the interests of orderly development and highway safety.

- 5 Prior to first occupation of the dwelling, the sand school and hardstanding shown to be removed on Drawing No.101 P3 shall, along with all arisings therefrom, be removed from the site and the land made good in accordance with details to be submitted to and approved by the Local Planning Authority. The details to be submitted for approval shall include cross-sections showing the finished reinstatement of the land between the building and the land beyond the northern extent of the sand school.

Reason: To protect the openness of the Green Belt and visual amenity of the rural area.

- 6 The scheme of landscaping and ecological enhancements shown on Drawing No.DHA/11917/01 hereby approved shall be carried out in the first planting season following occupation of the dwelling or the completion of the development, whichever is the earlier. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning 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 the biodiversity of the area.

- 7 Prior to first occupation of the dwelling, a scheme of hard landscaping and boundary treatment shall be submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

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

- 8 The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, other than those specified for removal in the approved Tree Survey (Tree Craft Ltd, May 2017) 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 rural locality.

- 9 The development shall be carried out in accordance with the recommendations set out in Section 4.0 'Evaluation and Recommendations' and Section 5.0 'Ecological Enhancement Strategy' of the submitted Extended Phase 1 Habitat Survey and Bat Building Survey (May 2017) prepared by Corylus Ecology.

Reason: To safeguard protected species and protect and enhance the biodiversity and ecology of the local area.

- 10 Prior to the commencement of the development, updated bat and badger surveys, in accordance with the recommendations in the Extended Phase 1 Habitat Survey and Bat Building Survey (May 2017) prepared by Corylus Ecology, shall be submitted to and approved by the Local Planning Authority. The development shall be undertaken in strict accordance with the approved surveys, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that protected species on the site are adequately protected.

- 11 Prior to commencement of the conversion works to the building, a plan showing a revised roof light arrangement that restricts the roof lights to the southern elevation of the building and reduces the total number of roof lights shall be submitted to and approved by the Local Planning Authority. The development shall be undertaken in accordance with the approved plan.

Reason: To minimise impact on bats.

- 12 No external lighting shall be installed on the site, except in accordance with a scheme of external lighting submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: To protect the visual amenity of the rural area and protected species.

- 13 Notwithstanding the proposed package treatment plant shown on the approved plans, foul water shall be disposed of directly to the main sewer, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent pollution of groundwater.

- 14 (a) If during development work, significant deposits of made ground or indicators of potential contamination are discovered, the work shall cease until an investigation/ remediation strategy has been agreed with the Local Planning Authority and it shall thereafter be implemented by the developer.

(b) Any soils and other materials taken for disposal should be in accordance with the requirements of the Waste Management, Duty of Care Regulations. Any soil brought onsite should be clean and a soil chemical analysis shall be provided to verify imported soils are suitable for the proposed end use.

(c) A closure report shall be submitted by the developer relating to (a) and (b) above and other relevant issues and responses such as any pollution incident during the development.

Reason: In the interests of amenity and public safety.

## **Informatives**

- 1 This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
- 2 During the demolition and construction phase, the hours of working (including deliveries) shall be restricted to Monday to Friday 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no work on Sundays or Public or Bank Holidays.
- 3 In implementing the above consent, regard should be had to the requirements of the Bye-Laws of the Environment Agency, Orchard House, Endeavour Park, London Road, Addington, West Malling, Kent, ME19 5SH.
- 4 Tonbridge and Malling Borough Council operate a two wheeled bin and green box recycling refuse collection service from the boundary of the property. Bins/box should be stored within the boundary of the property and placed at the nearest point to the public highway on the relevant collection day.
- 5 The proposed development is within a road which does not have formal street numbering and, if implemented, the new property will require a new name, which is required to be approved by the Borough Council, and post codes. To discuss a suitable house name you are asked to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to [addresses@tmbc.gov.uk](mailto:addresses@tmbc.gov.uk). To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new property is ready for occupation.
- 6 The applicant should be aware that the disposal of demolition waste by incineration or use of bonfires on the site can lead to justified complaints from local residents and would be contrary to Waste Management Legislation.
- 7 It has been stated in the application details that asbestos containing materials are known to be present in the existing structure. Before commencing any works, the applicant is advised to seek further advice to ensure the necessary precautions are implemented for the duration of the demolition. More information can be found <http://www.hse.gov.uk/asbestos/> and <http://www.hse.gov.uk/asbestos/faq.htm#domestic-properties>.
- 8 The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings and extensions.
- 9 It is recommended that the hedgerow adjacent to the bridleway be located 1.5m away from the boundary to the bridleway. With regard to any works that may

affect the public bridleway, the applicant should contact Kent County Council, Strategic Planning, West Kent PROW, 8 Abbey Wood Road, Kings Hill, West Malling, Kent, ME19 4YT. Tel: (01732) 872 829.

Contact: Mark Fewster

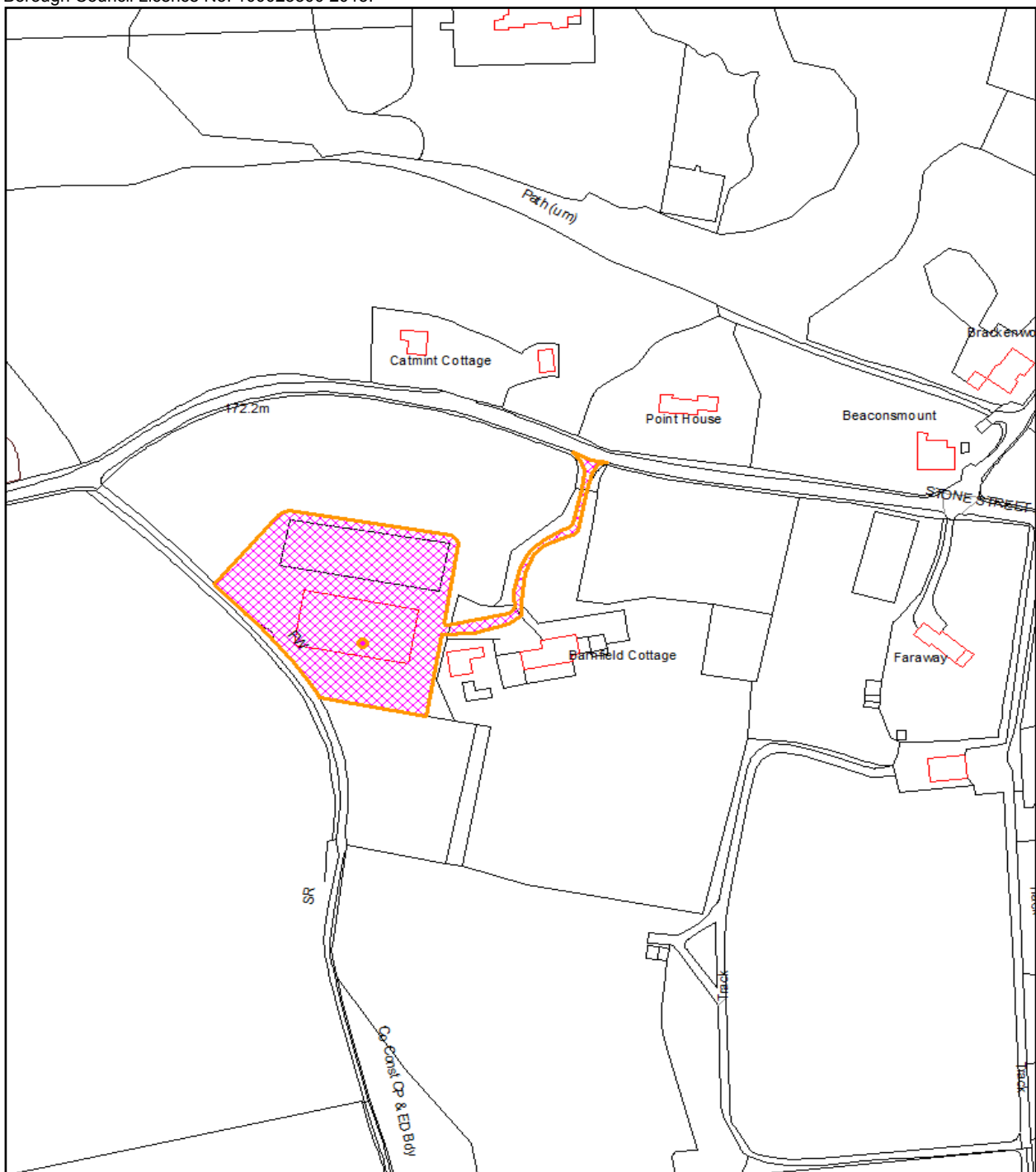


**TM/17/01268/FL**

Barnfield Cottage Stone Street Road Ivy Hatch Sevenoaks Kent TN15 0NH

Part demolition and works for the conversion of the existing riding arena building as a dwelling with removal of sand school and associated external alterations to the building, engineering works, access, parking, landscaping and ecological enhancement works (Resubmission of TM/16/00776/FL)

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**Ightham**

**19 February 2018**

**TM/18/00396/FL**

Wrotham, Ightham And  
Stansted

Proposal: Re-development of the site comprising of demolition of existing indoor riding arena, removal of an external sand school and the erection of a new two storey dwelling with associated engineering works, access, parking, landscaping and ecological enhancement works

Location: Barnfield Cottage Stone Street Road Ivy Hatch Sevenoaks  
Kent TN15 0NH

Applicant: Mr & Mrs McElroy

Go to: [Recommendation](#)

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## 1. Description:

1.1 The application proposes the redevelopment of the site which includes:

- Demolition of the existing indoor equestrian riding arena building
- Removal of the existing outdoor sand school
- Erection of a new two storey dwelling
- Provision of an extension to the existing access road for Barnfield Cottage to a proposed parking area
- Associated ground works to re-level the land
- Landscape and ecological planting and enhancement works

1.2 The new dwelling will measure about 13m deep x 18m wide, with eaves 3.7m high and ridge 8.5m high. It is to be set back about 20m from the public bridleway (west), some 85m south of Stone Street Road and 40m from the host dwelling of Barnfield Cottage (east).

1.3 The dwelling is designed with low eaves to provide much of the first floor accommodation within the roof space but with projecting front and rear two storey gable elements. Three pitched roof dormers are proposed within the front and rear elevations. Chimney stacks are proposed to both side elevations. The external materials are to consist of red brick, clay tiles and timber windows and doors.

1.4 The dwelling will provide kitchen, family/dining room, drawing room, living room, utility room, study and W/C at ground floor and 4 bedrooms with ensembles and bathroom at first floor.

1.5 Access to the site will be provided by using the main access drive for Barnfield Cottage. The parking and turning area is to be provided between the eastern side of the dwelling and the outbuildings relating to Barnfield Cottage to its east.

- 1.6 Surface water from the building is to be drained to a new soakaway and foul water is to be directed to a proposed package treatment plant.
- 1.7 A Planning, Design and Access Statement, Extended Phase 1 Habitat Survey and Bat Building Survey (Corylus Ecology) and a Tree Survey and addendum (Tree Craft) have been submitted with the application.
- 1.8 Members will note that an alternative scheme for the same site appears elsewhere on the agenda for consideration. Each application falls to be determined on its own individual merits in light of the relevant policy considerations rather than on the basis of which scheme might be a preferred option for the site.

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

- 2.1 At the request of Cllr Betts given the recent planning history of the site.

**3. The Site:**

- 3.1 The application site comprises an area of 0.53ha (1.3 acres) and is located on the south side of Stone Street Road, about 150m to the west of Pine Tree Lane to the west of the centre of the hamlet of Ivy Hatch. It comprises an area of land to the west of the host dwelling of Barnfield Cottage that includes a disused competition scale equestrian riding arena building and a sand school. The building is sited about 80m from Stone Street Road and 6.5m back from PROW bridleway MR425 that extends past the western boundary of the site. The land slopes markedly down from north to south. A small dormant cobnut orchard is situated between the application site and Stone Street Road.
- 3.2 The riding arena building was erected in the early/mid 1980s under planning permission TM/82/726, subject to planning conditions requiring the building to be used only for the exercise and training of horses owned by the occupiers of Barnfield Cottage and for purposes incidental to the residential enjoyment of this dwelling, and the implementation of a scheme of landscaping. This permission was varied under reference TM/82/1144. The building has a footprint of 43m x 21.5m, with an eaves height of 4.1-4.7m and ridge height of 6.5-7m. It is of steel framed construction and clad in corrugated asbestos sheeting. The building is set into the slope of the land and positioned at the bottom of a valley in the landscape.
- 3.3 A sand school (60m x 20m) is situated to the north of the riding arena, positioned on an engineered plateau that sits well above the floor level of the riding arena building but well below the land further to the north. This was granted planning permission in the early 1990s under reference TM/90/1024.
- 3.4 The site is within the Green Belt, Countryside, Kent Downs AONB and partially within a Groundwater Source Protection Zone and Aquifer Designation. An area of woodland on the northern side of Stone Street Road is designated as Ancient Woodlands and part of an SSSI.

3.5 The residential properties of Catmint Cottage, Point House and Beaconsmount are situated on the northern side of Stone Street Road to the north/northeast of the application site. The field to the west of the bridleway rises to a ridge that is significantly above the level of the application site. The land to the west of the bridleway is within Sevenoaks District Council.

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

TM/14/01695/FL	Refuse	15 July 2014
	Appeal Dismissed	25 March 2015

Redevelopment of redundant indoor riding arena, sand menage and engineered banks with a single dwelling, detached garage and associated new vehicular access

TM/16/00776/FL	Refuse	3 October 2016
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Part demolition and re-use of existing riding arena building as a dwelling with removal of sand school and associated external alterations to the building, engineering works, access, parking and residential curtilage

TM/17/01268/FL	Pending	
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Part demolition and works for the conversion of the existing riding arena building as a dwelling with removal of sand school and associated external alterations to the building, engineering works, access, parking, landscaping and ecological enhancement works (Resubmission of TM/16/00776/FL)

**5. Consultees:**

5.1 PC: No objection.

5.2 Sevenoaks DC: No objection.

5.3 KCC (PROW): No objection. Public Right of Way MR425 Bridleway runs alongside the application site. Whilst we do not object to the application, we ask that the new hedgerow is installed 1.5m away from the boundary to the bridleway and that the applicant be made aware that they shall be responsible for any maintenance required on the hedge.

5.4 Natural England: No objection. Natural England has assessed this application using the Impact Risk Zones data (IRZs) and is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which Oldbury and Seal Chart has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

- 5.5 KWT: The redevelopment of the arena provides an opportunity to buffer the wildlife corridor along the south-west boundaries of the site from the effects of an additional domestic property. An opportunity that, in my opinion, has been grasped satisfactorily by the applicant. In these circumstances, I have no objection to the latest proposal for the site, subject to appropriate conditions being attached to any planning permission to secure implementation of the current landscape and ecological enhancement proposals
- 5.6 KFRS: Following examination of the plans the provision of an access roadway of 3.7m in width which allows an appliance to within 45m of all points within the dwelling must be provided. Alternatively the installation of a domestic sprinkler system in the dwelling will increase the distance of Fire Service access to 90m (H<4.5m) of all points within the dwelling. In addition, turning facilities should be provided in any dead end access route that is more than 20m long. This can be by a hammerhead or turning circle in accordance with Table 8, B5 (ADB)
- 5.7 Private Reps + site and press notice: 11 /0X/9R/2S Press Notice. Objections raised on the following grounds:
- The proposal would be inappropriate development in the Green Belt
  - The development would affect the openness of the Green Belt and rural views
  - The proposal would be damaging to the visual amenity of the rural locality and to the preservation of the adjacent SSSI
  - The development would be highly visible from the public bridleway and would spoil views
  - Light pollution from the dwelling and garden would impact on the visual amenity of the rural area
  - No very special circumstances in the Green Belt have been provided to justify the development
  - The development would be incompatible with the rural setting of Barnfield Cottage and its grounds
  - The development would be detrimental to the AONB
  - The site's location is rural and unsustainable
  - The development would impact on the established wildlife corridor and adjacent SSSI and Ancient Woodlands
  - The development would introduce an urban form that would not safeguard the countryside from encroachment
  - The proposal would disrupt/destroy the existing nocturnal ecology of the area, including that of the nearby SSSI and ancient woodlands
  - The development is likely to affect or destroy sensitive habitats

- The proposed hedge along the bridleway boundary would block views
- Concerns with the ecology report and potential impact on protected species
- Construction vehicles for the development would create traffic congestion and could endanger walkers and cyclists using the lane
- The development would increase traffic entering and exiting Stone Street Road increasing the risk of accidents
- Fire vehicle access requirements would create more built form

5.8 The comments in support of the scheme are summarised as follows:

- The dwelling would replace an unsightly building that would enhance the AONB and be in keeping with the village setting
- The ridge height should preferably be no higher than the existing building

## **6. Determining Issues:**

6.1 Members should be aware of a previous application (TM/14/01695/FL) for the demolition of the riding arena building, removal of the sand school and the erection of a new dwelling and garage with a new access to Stone Street Road that followed the boundary with the bridleway which was refused by the Local Planning Authority under delegated powers and subsequently dismissed at Appeal by the Planning Inspectorate in March 2015. The reasons for refusal in that case were:

- *Inappropriate development in the Metropolitan Green Belt and designated countryside*
- *Harm from the proposed new 'bell-mouth' vehicular access and associated driveway adjacent to a rural bridleway*
- *Incongruous features in the AONB, from public vantage points along the adjacent PROW and in the rural locality generally*
- *Inadequate ecological survey.*

6.2 The Planning Inspector for this case concluded that the urban built form of the development would not safeguard the countryside from encroachment and therefore was inappropriate development in the Green Belt. The Inspector also concluded that the proposal would constitute an isolated dwelling in the countryside; the scale and form of the development would be incongruous and urbanising in the rural location; and the 70m long driveway through the cobnut orchard would be an urbanising feature; and that these proposals would have an adverse effect on the character and appearance of the countryside and AONB.

6.3 These previous cases and decisions are material considerations in the assessment of this current scheme.

- 6.4 It should be noted that this scheme is fundamentally different to the scheme refused by the Area 2 Planning Committee under reference TM/16/00776/FL and to that proposed under the current scheme under reference TM/17/01268/FL, which relate to the reuse of the existing building.
- 6.5 The main issues are whether the proposal would be inappropriate development in the Green Belt and, if so, whether any very special circumstances are demonstrated which outweigh the harm arising; whether the new dwelling would be sustainable development in the rural area; whether the new dwelling would affect the character and appearance of the area; and whether the development would affect the visual amenity of the broader rural locality, the adjacent PROW, local ecology or neighbouring amenity.
- 6.6 Members should note that since the previous applications for this site were determined it has been confirmed that the Council can now no longer demonstrate a five year supply of deliverable housing sites.
- 6.7 Paragraph 49 of the NPPF advises that “housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”
- 6.8 Paragraph 14 of the NPPF thus advises that for decision taking the presumption in favour of sustainable development means approving development proposals that would accord with the development plan without delay; and where relevant development plan policies are out-of-date, planning permission should be granted unless:-
- (i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
  - (ii) specific policies in the Framework indicate development should be restricted (reference is made to footnote 9); insofar as they relate to this site, the restrictive policies govern matters of development in the Green Belt, AONB and SSSI designations.

*Development in the Green Belt:*

- 6.9 The application site is in the Green Belt where Policy CP3 of the TMBCS advises that National Green Belt policy will apply (Section 9 of the NPPF).
- 6.10 Paragraph 87 of the NPPF advises that *“as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”*



- 6.11 Paragraph 88 follows stating that *“when considering any planning application, 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 potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”*.
- 6.12 Paragraph 89 of the NPPF advises that the construction of new buildings should be regarded as inappropriate in the Green Belt. However, a number of exceptions are specified, including 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.”*
- 6.13 ‘Previously developed land’ (PDL) is defined in Annex 2: Glossary to the NPPF as *“land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure”*. In line with this definition, the application site is considered to be PDL.
- 6.14 The existing riding arena building provides a footprint area of 925m<sup>2</sup> and volume of some 5150m<sup>3</sup>. It also provides a total building height of about 7m. The proposed dwelling provides an estimated footprint of about 215m<sup>2</sup> and volume of 1700m<sup>3</sup>. The ridge height of the new building will be 8.5m. The proposed new dwelling would therefore be significantly smaller in size and scale than the existing building. It will also be positioned within the footprint of the existing building and will move the built form closer to the built form of Barnfield Cottage, reducing the spread of built development from what currently exists. Notwithstanding the new dwelling would be taller than the existing building, it would clearly result in a significant improvement to the openness of the Green Belt as a result of its far reduced footprint, scale and bulk. As such, the new building is not considered to amount to inappropriate development within the Green Belt.
- 6.15 The proposed hard surfacing to provide a parking and turning area and extension to the main access drive is considered to be relatively modest.
- 6.16 The proposed domestic curtilage (to be defined by hedges) would be appropriately confined in its size.
- 6.17 I have therefore considered that the development would not result in a greater impact on the openness than the existing development, or result in any significant encroachment into the countryside. The proposal would therefore not be inappropriate development and as such would not conflict with the requirements of Policy CP3 of the TMBCS or paragraphs 80 and 87-89 of the NPPF.

AONB:

- 6.18 Policy CP7 of the TMBCS advises that development which would be detrimental to the natural beauty and quiet enjoyment of the AONB, including landscape, wildlife and geological interest, will not be permitted other than in exceptional circumstances. Paragraph 115 of the NPPF also advises that great weight should be given to conserving landscape and scenic beauty in AONBs.
- 6.19 The new dwelling is considered to be in keeping with the size and scale of other dwellings in the area and overall would, in my view, enhance the appearance of the site. Although the new residential use would bring some additional impact from domestic lighting, car movements and general residential activity and paraphernalia, I do not consider that these would adversely affect the natural beauty and quiet enjoyment of the AONB. The proposal would therefore not conflict with Policy CP7 of the TMBCS or paragraph 115 of the NPPF.

SSSI:

- 6.20 Policy CP8 of the TMBCS advises that development that would directly, indirectly or cumulatively cause material harm to the scientific or nature conservation interest of a SSSI will not be permitted. Paragraph 118 of the NPPF states that development within or outside a SSSI that is likely to have an adverse effect on a SSSI should not normally be permitted.
- 6.21 The submitted Extended Phase 1 Habitat Survey and Bat Building Survey report advises that there is no aerial connectivity between the Oldbury and Seal Chart SSSI and the former cobnut orchard to the north of the site and that terrestrial connectivity is interrupted by Stone Street Road and therefore the SSSI would not be impacted by the proposed development. This advice is consistent with comments from Natural England who have advised that the development “will not damage or destroy the interest features for which Oldbury and Seal Chart has been notified.” Accordingly, the proposal would not conflict with Policy CP8 of the TMBCS or paragraph 118 of the NPPF
- 6.22 In light of the above assessment, it is concluded that the specific policies outlined in the footnote to paragraph 14 of the NPPF would not restrict development in this case. The presumption in favour of sustainable development therefore re-emerges and can be considered as per the following.

Development in Rural Areas:

- 6.23 Policy CP14 of the TMBCS restricts development in the countryside to specific development listed in the policy to ensure that most development is concentrated in or adjoining existing built up areas. The erection of a new house is not listed and therefore the proposal would be contrary to this policy. However, less weight can be given to this policy as the Council cannot show a 5 year supply of deliverable housing sites and this policy restricts development in areas outside of

designated settlement areas that could ordinarily be required to boost housing supply.

- 6.24 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.
- 6.25 The previous report for this site that went before the committee under planning reference TM/16/00776/FL stated that the “new dwelling would be isolated in that it would be outside of any nearby settlement”. It is also noted that the Planning Inspector in their decision on the scheme under planning reference TM/14/01695/FL advised that the dwelling proposed in that case would be isolated. However, since the determination of these two previous applications, a judgment has been handed down by the Court of Appeal (*Braintree DC v SSCLG* [2018] EWCA Civ. 610) that provides clarification on paragraph 55 of the NPPF.
- 6.26 LJ Lindblom advised in this judgment that the wording of the policy “*simply differentiates between the development of housing within a settlement – or village – and new dwellings that would be isolated in the sense of being separate or remote from a settlement.*” He further stated that when taken in its particular context within the policy “*the word ‘isolated’ in the phrase ‘isolated homes in the countryside’ simply connotes a dwelling that is physically separate or remote from a settlement.*”
- 6.27 LJ Lindholm advised further that “*it is not said that a settlement or development boundary must have been fixed in an adopted or emerging local plan, or that only the land and buildings within that settlement or development boundary will constitute the settlement [and that] ... a settlement would not necessarily exclude a hamlet or a cluster of dwellings, without, for example, a shop or post office of its own, or a school or community hall or a public house nearby, or public transport within easy reach. Whether, in a particular case, a group of dwellings constitutes a settlement, or a “village”, for the purposes of the policy will again be a matter of fact and planning judgment for the decision-maker.*”
- 6.28 He further confirmed that “*the restriction of an ‘isolated home’ to one that is isolated from services and facilities would deny policy support to a rural home that could contribute to social sustainability because of its proximity to other homes.*”
- 6.29 In this case, although Ivy Hatch does not have a defined settlement boundary, the new dwelling would be located in close proximity to other residential properties that provide a series of residential properties that extend out from the centre of Ivy Hatch (The Plough Public House) along both sides of Stone Street Road. I therefore consider these residential properties form part of the local settlement/hamlet and community of Ivy Hatch and that the new dwelling would not be remote from these properties. The proposal would thus provide a new

dwelling that would contribute to the vitality of the local rural community. As such, I do not consider that the proposal would conflict with paragraph 55 of the NPPF.

Character, Landscape and Visual Amenity:

- 6.30 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.
- 6.31 The dwelling is considered to be of a high quality design that is traditional in its form, detailing and use of materials. The size and scale of the building would not be out of the character with the dwellings in the surrounding area. It would also be situated on land that is substantially lower than the surrounding dwellings, including Barnfield Cottage. The retained trees and additional landscaping would also assist in screening and visually separating the dwelling from Barnfield Cottage. I am therefore satisfied that the new dwelling proposed would be appropriate for its rural setting and would not harm the character of the area.
- 6.32 The scheme provides substantial hedgerow and tree planting as part of landscape and ecology enhancements. Native hedgerows are to be planted to provide a defined domestic curtilage for the dwelling as well as along the western boundary with the public bridleway which will assist in screening the development from the bridleway. A large number of trees are to be planted around the curtilage to provide a landscaped buffer between the dwelling and the adjacent dormant cobnut orchard to the northwest. The garden area is to be planted out with meadow and flowering lawn mixtures. These landscaping proposals would provide visual improvements to the site. Details of hard landscaping can be secured by condition.
- 6.33 The existing vehicular access serving Barnfield Cottage will be used to provide access to the new dwelling. Only a small amount of additional access road is required to service the new dwelling. The parking area is also well sited between the dwelling and the built form of Barnfield Cottage. The amount of hard surfacing required is therefore considered to be modest overall and acceptable in character terms.
- 6.34 A Tree Survey has been submitted (prepared by Tree Craft – dated May 2017). The survey report assesses the trees on the site and their suitability for retention in light of the development proposed under planning reference TM/17/01268/FL for the conversion of the existing building. The report indicates that 37 trees have been assessed as category 'C' (Trees of low quality), of which 4 are to be removed. Twenty four (24) trees have been assessed as category 'U' (Trees unsuitable for retention), of which 21 trees are to be removed. The other 36 trees are to be retained. It has been advised that the majority of the trees to be

removed are growing in a precarious location on a steep bank between the building and the sand school which has significantly compromised their structural integrity and suitability for retention. I do not consider the removal of the trees proposed would adversely affect the visual amenity of the area. An addendum to this report has been submitted with this application (also prepared by Tree Craft - dated 9 February 2018). The addendum confirms that this scheme for a new dwelling would sit within the footprint of the existing building where the trees are to be removed and therefore there would be no additional arboricultural impact.

- 6.35 I note that concerns have been raised about the potential impact of the proposal on views from the public bridleway. It is acknowledged that the dwelling would be visible from the bridleway. However, it would be set 15m further away from the bridleway compared to the existing building and I consider its overall appearance to be much more sympathetic to the rural setting. Furthermore, hedging and tree plantings would provide a good level of screening once established.
- 6.36 Accordingly, I do not consider that the proposed development would harm the appearance or character of the area or the visual amenity of the rural locality and would therefore satisfy Policies CP24 of the TMBCS and SQ1 of the MDE DPD and Part 7 of the NPPF requiring good design.

Ecology:

- 6.37 A revised Extended Phase 1 Habitat and Bat Building Survey (prepared by Corylus Ecology – dated 15<sup>th</sup> February 2018) has been submitted that provides an updated survey of the habitats on the site and surrounding area and an assessment of the potential of the site to support protected species. A bat survey was also undertaken.
- 6.38 The report concludes that there is no potential for bat roosts in the building and no evidence of barn owls. The habitat enhancements proposed would be adequate to mitigate for the loss of a small and infrequently used bat feeding perch. No field evidence of bat presence was found. One tree with the potential for a bat roost was noted where a further bat survey is recommended if works are proposed to this tree. Pruning is recommended for this tree in the Tree Survey report. A condition can be added requiring a further bat survey.
- 6.39 The report also advises that the habitat on the site is not suitable for reptiles, there is no habitat for dormice and the likelihood of the presence of amphibians, including great crested newts, is very low. The trees and existing building have the potential for breeding birds but recommendations have been provided in the case of works being undertaken during the breeding season. No badger setts were identified on the site or within 40m of the site but the site may be used by badgers for foraging. The report recommends that an updated badger survey is undertaken prior to commencement of any works to assess any change in the use of the site by badgers. This can be required by condition.

- 6.40 An ecological enhancement strategy has been proposed including a generous scheme for native planting to create a new ecological habitat corridor that will benefit species including badger, dormice and hedgehogs and will provide habitats for invertebrates and birds.
- 6.41 It is noted that KWT have no objection to the scheme as it is considered that the opportunity to buffer the wildlife corridor along the southwest boundary of the site from the effects of the new dwelling have been satisfactorily taken. In light of this, I am satisfied that the development would not negatively impact on protected species or adversely affect biodiversity or habitats in the immediate area. External lighting can be controlled by the imposition of an appropriate planning condition.
- 6.42 The development would therefore not conflict with Policies NE2 and NE3 of the MDE DPD or paragraph 109 and 118 of the NPPF.

Parking/Highways/PROW:

- 6.43 A car parking area has been provided adjacent to the east side of the dwelling which will provide adequate parking and turning for the development. The traffic generated by one additional dwelling would not be significant and the development will utilise the existing access to Stone Street Road which is considered to be of a high standard with gates set well back from the highway.
- 6.44 Bridleway MR425 extends past the western boundary of the site. KCC PROW has reviewed the proposal and has not submitted any objection but has asked that the hedgerow shown on the plans be located 1.5m away from the boundary to the bridleway. An informative can be added to this effect.
- 6.45 I am satisfied that adequate access to the site is provided for fire service vehicles. The main access from Stone Street Road is of a generous size and the access road to the site is spacious and unimpeded and would allow for such vehicles to turn around.
- 6.46 Accordingly, I am satisfied that the development would not result in any significant harm to highway safety and that any residual cumulative impacts on the transport network would not be severe which is the test in the NPPF. The proposal therefore accords with Policy SQ8 of the MDE DPD and paragraph 32 of the NPPF.

Other material considerations:

- 6.47 As a large area of the current footprint of the existing structure is proposed as the new residential garden, appropriate conditions will be required to ensure that there is no contaminated made ground beneath the building. It has also been noted that the existing building is clad in asbestos sheeting. An informative relating to asbestos will also be added. The development would therefore accord with paragraphs 120-121 of the NPPF.

- 6.48 Given the position of the building within the site and its distance from the nearest residential properties, there would be no adverse impact on neighbouring residential amenity arising from the proposal.
- 6.49 A package treatment plant has been specified for foul water disposal but the first preference is for connection to the mains sewer especially as the site is partially within a Groundwater Source Protection Zone, so a condition will be imposed accordingly. There are no objections to a soakaway being used for surface water disposal.
- 6.50 In order to safeguard the openness of the Green Belt it is considered necessary and reasonable to remove permitted development rights relating to extensions to the dwelling, erection of outbuildings and fences and creation of any new vehicular access.

Conclusions/Planning Balance:

- 6.51 The proposal would improve openness and would not result in countryside encroachment. The new dwelling would also not be an isolated home in a rural area and would contribute to the vitality of the rural settlement/community of Ivy Hatch. The new dwelling is of a size, scale and design that would provide an appearance that is sympathetic to the established dwellings in the rural area and the development minimises the need for additional hard surfacing by using the existing access for Barnfield Cottage. A scheme for the provision of landscaping and ecological enhancements has also been proposed that will benefit both the visual amenity of the area and the local ecology and biodiversity.
- 6.52 I also consider that the scheme now addresses the key concerns raised by the Planning Inspector under the previously dismissed appeal (TM/14/01695/FL) relating to the character and visual amenity of the rural area and encroachment into the countryside.
- 6.53 Although the development would be contrary to Policy CP14 of the TMBCS, less weight is now to be given to this policy. As established above, when assessed against the NPPF as a whole, I do not consider that the development would give rise to any adverse harm that would significantly and demonstrably outweigh its benefits. Accordingly, approval is recommended.

**7. Recommendation:**

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Site Plan 202 P3 received 19.02.2018, Location Plan 201 P3 + Block Plan received 19.02.2018, Proposed Elevations 205 P5 received 19.02.2018, Proposed Floor Plans 206 P8 received 19.02.2018, Roof Plan 207 P2 received 19.02.2018, Cross Section 208 P7 received 19.02.2018, Existing Elevations 209 P1 received 19.02.2018, Photographs 211 P1 received 19.02.2018, Landscape Layout DHA/11917/01 received 19.02.2018, Planning, Design And Access

Statement received 19.02.2018, Arboricultural Survey received 19.02.2018, Letter Addendum Arboricultural received 19.02.2018, Ecological Assessment 17021 received 19.02.2018, Letter DHA received 19.02.2018, Letter Pre-application received 19.02.2018, 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 Prior to commencement of the construction of the dwelling, a plan showing the proposed finished floor level of the dwelling and finished ground levels in relation to the existing levels of the site shall be submitted to and approved by the Local Planning Authority. The development 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.

- 3 Prior to commencement of the construction of the dwelling, details and samples of all materials to be used externally shall be submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

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

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Classes A, B, C and E of Part 1 and Classes A-B of Part 2 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: To ensure that the development does not harm the appearance and character of the area, openness of the Green Belt and local ecology.

- 5 The dwelling shall not be occupied, until the areas shown on the submitted layout as new access, parking and turning area have been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to the reserved parking space.

Reason: In the interests of orderly development and highway safety.



- 6 Prior to first occupation of the dwelling, the existing building, sand school and hardstanding shown to be removed on Block Plan (Drawing No.201 P3) hereby approved shall, along with all arisings therefrom, be removed from the site and the land made good.

Reason: To protect the openness of the Green Belt and visual amenity of the rural area.

- 7 The scheme of landscaping and ecological enhancements shown on Drawing No.DHA/11917/01 hereby approved shall be carried out in the first planting season following occupation of the dwelling or the completion of the development, whichever is the earlier. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning 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 the biodiversity of the area.

- 8 Prior to first occupation of the dwelling, a scheme of hard landscaping and boundary treatment shall be submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

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

- 9 The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, other than those specified for removal in the approved Tree Survey (Tree Craft Ltd, May 2017) 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 rural locality.

- 10 The development shall be carried out in accordance with the recommendations set out in Section 4.0 'Evaluation and Recommendations' and Section 5.0 'Ecological Enhancement Strategy' of the submitted Extended Phase 1 Habitat Survey and Bat Building Survey Report (15<sup>th</sup> February 2018) prepared by Corylus Ecology.

Reason: To safeguard protected species and protect and enhance the biodiversity and ecology of the local area.

- 11 Prior to the commencement of the development, updated bat and badger surveys, in accordance with the recommendations in the Extended Phase 1 Habitat Survey and Bat Building Survey Report (15<sup>th</sup> February 2018) prepared by Corylus Ecology, shall be submitted to and approved by the Local Planning Authority. The development shall be undertaken in strict accordance with the approved surveys, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that protected species on the site are adequately protected.

- 12 No external lighting shall be installed on the site, except in accordance with a scheme of external lighting submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: To protect the visual amenity of the rural area and protected species.

- 13 Notwithstanding the proposed package treatment plant shown on the approved plans, foul water shall be disposed of directly to the main sewer, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent pollution of groundwater.

- 14 No development shall be commenced until the following have been submitted to and approved by the Local Planning Authority:

(a) A contaminated land desktop study identifying all previous site uses, potential contaminants associated with those uses including a survey of the condition of any existing building(s), a conceptual model of the site indicating sources, pathways and receptors and any potentially unacceptable risks arising from contamination at the site;

(b) Based on the findings of the desktop study, proposals for a site investigation scheme that will provide information for an assessment of the risk to all receptors that may be affected including those off site. The site investigation scheme should also include details of any site clearance, ground investigations or site survey work that may be required to allow for intrusive investigations to be undertaken.

If, in seeking to comply with the terms of this condition, reliance is made on studies or assessments prepared as part of the substantive application for planning permission, these documents should be clearly identified and cross-referenced in the submission of the details pursuant to this condition.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

15 No development shall take place other than as required as part of any relevant approved site investigation works until the following have been submitted to and approved by the Local Planning Authority:

a) Results of the site investigations (including any necessary intrusive investigations) and a risk assessment of the degree and nature of any contamination on site and the impact on human health, controlled waters and the wider environment. These results shall include a detailed remediation method statement informed by the site investigation results and associated risk assessment, which details how the site will be made suitable for its approved end use through removal or mitigation measures. The method statement must include details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended).

The submitted scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority in writing of the presence of any such unforeseen contamination along with a timetable of works to be undertaken to make the site suitable for its approved end use.

(b) Prior to the commencement of the development the relevant approved remediation scheme shall be carried out as approved. The Local Planning Authority should be given a minimum of two weeks written notification of the commencement of the remediation scheme works.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

- 16 Following completion of the approved remediation strategy, and prior to the first occupation of the development, a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the remediation scheme at above and below ground level shall be submitted for the information of the Local Planning Authority.

The report shall be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Where it is identified that further remediation works are necessary, details and a timetable of those works shall be submitted to the Local Planning Authority for written approval and shall be fully implemented as approved.

Thereafter, no works shall take place such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

### **Informatives**

- 1 This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
- 2 During the demolition and construction phase, the hours of working (including deliveries) shall be restricted to Monday to Friday 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no work on Sundays or Public or Bank Holidays.
- 3 In implementing the above consent, regard should be had to the requirements of the Bye-Laws of the Environment Agency, Orchard House, Endeavour Park, London Road, Addington, West Malling, Kent, ME19 5SH.
- 4 Tonbridge and Malling Borough Council operate a two wheeled bin and green box recycling refuse collection service from the boundary of the property. Bins/box should be stored within the boundary of the property and placed at the nearest point to the public highway on the relevant collection day.
- 5 The proposed development is within a road which does not have formal street numbering and, if implemented, the new property will require a new name, which is required to be approved by the Borough Council, and post codes. To discuss a suitable house name you are asked to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to [addresses@tmbc.gov.uk](mailto:addresses@tmbc.gov.uk). To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new property is ready for occupation.

- 6 The applicant should be aware that the disposal of demolition waste by incineration or use of bonfires on the site can lead to justified complaints from local residents and would be contrary to Waste Management Legislation.
- 7 It has been stated in the application details that asbestos containing materials are known to be present in the existing structure. Before commencing any works, the applicant is advised to seek further advice to ensure the necessary precautions are implemented for the duration of the demolition. More information can be found <http://www.hse.gov.uk/asbestos/> and <http://www.hse.gov.uk/asbestos/faq.htm#domestic-properties>.
- 8 The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings and extensions.
- 9 It is recommended that the hedgerow adjacent to the bridleway be located 1.5m away from the boundary to the bridleway. With regard to any works that may affect the public bridleway, the applicant should contact Kent County Council, Strategic Planning, West Kent PROW, 8 Abbey Wood Road, Kings Hill, West Malling, Kent, ME19 4YT. Tel: (01732) 872 829.

Contact: Mark Fewster

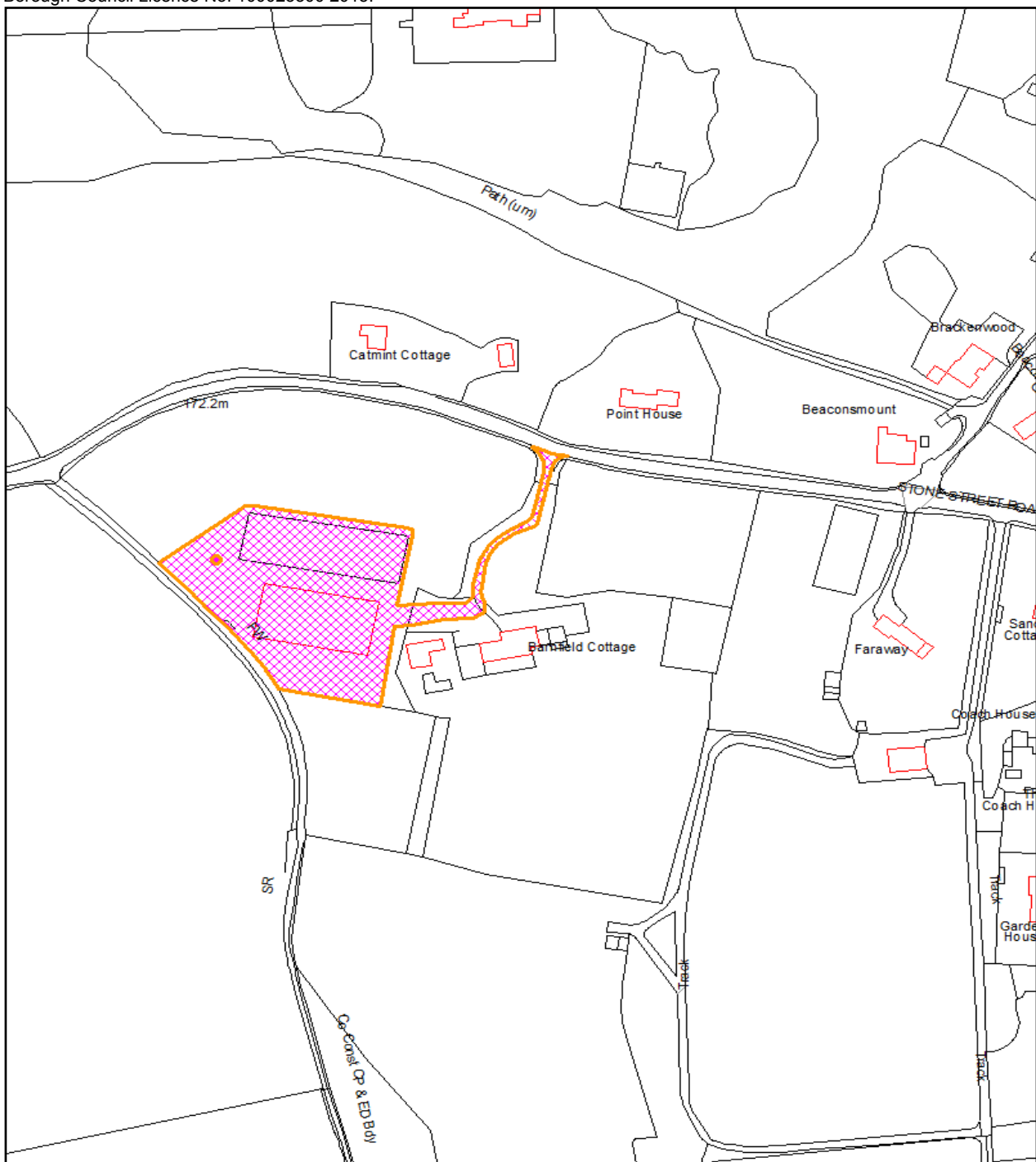
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**TM/18/00396/FL**

Barnfield Cottage Stone Street Road Ivy Hatch Sevenoaks Kent TN15 0NH

Re-development of the site comprising of; demolition of existing indoor riding arena; removal of an external sand school and the erection of a vernacular dwelling with associated engineering works; access; parking; landscaping and ecological enhancement works

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<b>Platt</b> Borough Green And Long Mill	<b>8 December 2017</b>	<b>TM/17/03399/FL</b>
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Proposal:	Proposed repitched roof with raised ridge height incorporating rooms in the roofspace demolition of existing garage, and construction of new extension
Location:	5 Windmill Park Wrotham Heath Sevenoaks Kent TN15 7SY
Applicant:	Mr Paul Vallance
Go to:	<a href="#">Recommendation</a>

---

## 1. Description:

- 1.1 Planning permission is sought to add a new roof to this detached dwelling to incorporate accommodation in the roof space. Over the course of the application process the plans have been altered twice. The final plans include a side dormer window to this roof addition now to be obscure glazed. The roof bulk has also been amended in the revised plans by altering it from a gable end to a half hip and the height has been reduced to 6.3m to ridge (originally it was 7.2m high to ridge).
- 1.2 It is also proposed to demolish the existing double garage and replace it with an extension to the house with a pitched roof that links into the main dwelling.

## 2. Reason for reporting to Committee:

- 2.1 At the request of Cllr Taylor to consider the size of the development within the Green Belt.

## 3. The Site:

- 3.1 The site lies within Metropolitan Green Belt and within Countryside, outside the confines of any settlement, to the south of Wrotham Heath, on the west side and at the end of the cul-de-sac Windmill Park. The site frontage is basically level but drops down to the rear.
- 3.2 The house does not appear to have been extended since it was originally built. Planning permission was granted for extensions in 1975 but this does not appear to have been implemented.
- 3.3 The adjoining dwelling, number 6 Windmill Park, is set at an angle to number 5 and has a large patio window to the living room on the southern (flank) elevation that looks onto the side elevation of number 5 and a double detached garage on the boundary.
- 3.4 Number 7 has had permission to be rebuilt under application TM/16/01429/FL. This application was amended under application TM/17/00276/FL, and has a similar roof design to that now proposed to number 5 Windmill Park.

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

TM/63/10649/OLD grant with conditions 10 May 1963

9 Dwellings with double garage space and service road.

TM/65/10608/OLD grant with conditions 24 September 1965

Erection of nine dwellings and access road. (As amended).

TM/68/10447/OLD grant with conditions 14 May 1968

Alterations, for Foven Construction Co Ltd.

TM/75/11190/FUL grant with conditions 18 June 1975

Extension and Alterations.

#### 5. Consultees:

5.1 PC: Object – acknowledged that a precedent has been set by the approval of a large rebuild in Windmill Park. But this proposal is changing a bungalow into a two storey dwelling, gutting the whole of the inside and changing most of the outside walls to accommodate the window changes. The elevation would go from 4.85m to 7m (*this has been amended to just over 6m with revised plans*) and the living space would increase by 48% and there would be the loss of a garage space for the dwelling. The house is at the end of Windmill Park and is in the Green Belt so it can be seen from Comp Lane. The front of the house with the high door and landing and three dormer windows will be imposing from this rural lane. There will also be more light pollution from the property due to increased number of windows. They are therefore objecting on the grounds of inappropriate development within the Green Belt with no special circumstances, changes to the character of the area, light pollution and increased traffic movement. If Council are minded to allow then there should be a restriction on future developments on site.

5.2 Private Reps: 4/0X/2R/0S + Article 15 site notice. The following concerns were raised by the objectors:

- Not enough parking on the site for cars;
- Problems with builders parking during construction;
- Side dormer window – privacy issues – will it be obscure glazed;
- Overlooking from bedroom balcony to rear;

- Ridge height is too high for the area and not comparable with other dwellings in area – including house that was extended /rebuilt at 7 Windmill Park (*although plans have since been amended to address this point*).

## 6. Determining Issues:

### Green Belt considerations:

- 6.1 Current Government guidance concerning development within the Green Belt is contained within section 9 of the NPPF. It states at paragraph 87:

*“As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”*

- 6.2 Paragraph 88 states:

*“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”*

- 6.3 Paragraph 89 of the NPPF states that the extension of an existing building is not inappropriate development provided that it would not result in disproportionate additions to the original building.

- 6.4 It must also be considered that openness is one of the two essential characteristics of the Green Belt, together with its permanence (paragraph 79 of the NPPF).

- 6.5 In this case the house does not appear to have been extended and it stands as the original dwelling house. The proposed extension would replace the existing single storey garage, and create a much larger dwelling house. However, it is considered that the additional bulk and mass of the proposed addition would not be considered disproportionate to the size of the original dwelling within this site. The dwelling is located within a small group of loose-knit buildings within an otherwise open rural landscape. Given this context and the scale, form and position of the proposed addition, it is not considered that it would erode the openness of the Green Belt either. As such the proposed extension is not considered to be inappropriate development within the Green Belt, and therefore very special circumstances are not required to be demonstrated.

### Visual amenity:

- 6.6 Policy CP 24 of the TMBCS requires all development to be well designed and of a high quality in terms of detailing and use of materials. Proposals must be designed

to respect the site and its surroundings in terms of their character and appearance. Policy CP14 sets out that extensions to dwellings should be appropriate in scale and design.

- 6.7 Saved policy P4/12 of the TMBLP relates specifically to residential extensions. It requires proposals not to have an adverse effect on:
- The character of the building or the street scene in terms of form, scale, design and use of materials
  - Residential amenity of neighbouring properties in terms of light and privacy.
- 6.8 The current proposal would, notwithstanding the steeper roof pitch, present an impression of an essentially bungalow dwelling, but taking advantage of space within the roof to provide additional habitable space. The dormer windows are designed to sit within the respective roof slopes, set back appreciably from the walls beneath, and each topped by a pitched roof with the ridge below the height of the main roof.
- 6.9 The height of the building will vary to reflect the slope in the site towards the west, but the reference height is taken from the front of the building, where the ground level is effectively at the same level as the highway. Any variation in height towards the rear of the building will not have a harmful impact as the building is still essentially an extended bungalow in form. Additionally, the height to ridge is similar to that recently granted at 7 Windmill Park.
- 6.10 The form and detailed design of the additions are considered to be in keeping with the character of the buildings and matching materials would be used in their construction. Consequently, they would not detract from the character of the wider rural locality and would satisfy the key requirements of Policies CP24 and SQ1.

*Residential amenity:*

- 6.11 In respect of the potential impact on the amenities of neighbouring residents, the main neighbour with the potential to be affected is No. 6, to the north. There is currently a living room with windows in the flank of this dwelling, on the ground-floor, that face onto number 5; also a thick high hedge on the boundary provides a high level of screening. The extended dwelling would feature a side dormer window in the roof slope facing north, but this is marked as 'obscure glazed with an opening above 1.7m from floor'. A condition is proposed restricting glazing and opening ability should be applied to this window. With this, it is considered that no undue impact on privacy and amenity would be experienced by the occupiers of dwelling number 6 to the north. There are also three roof lights in the northern slope but these would be unlikely to affect privacy

Other considerations:

- 6.12 The proposed development does not raise any highway safety issues. There is a large drive to the front of the dwelling with sufficient parking and turning areas to serve the extended dwelling.
- 6.13 I would suggest that a series of informatives be included to any permission granted which set out suggested hours of working, along with a caution against the use of bonfires.
- 6.14 The suggestion has been made that permitted development rights should be removed to control any future extensions to the building. I consider that this would be unjustified in the circumstances.
- 6.15 In light of the above, I consider that the proposed development meets the requirements of the development plan and NPPF and as such planning permission should be granted, subject to the imposition of conditions.

**7. Recommendation:**

- 7.1 **Grant planning permission** in accordance with the following submitted details: Proposed Plans and Elevations 2017/14/C dated 03.04.2018, Location Plan dated 08.12.2017, Existing Plans 2017/14/A dated 08.12.2017, Existing Elevations 2017/14/B dated 08.12.2017, 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 dormer window in the north-facing roof slopes shall, to a height of 1.7 metres above the finished floor level in the adjacent room, at all times be fitted with obscure glass or other opaque material and shall be fixed so as to be incapable of being opened below that height except in an emergency.  
  
Reason: To minimise the effect of overlooking onto the adjoining property.

**Informatives:**

- 1 The applicant is strongly encouraged to ensure that any large delivery and construction vehicles approach and leave the site from Comp Lane to the south. Any vehicles used by builders or contractors should be parked on the application site.
- 2 To protect the aural environment of nearby dwellings, during the construction of the development, the applicant is advised that no noisy construction work should be carried out before 8am or after 6pm on Mondays to Fridays; before 8am or after 1pm on Saturdays, and no noisy work shall be carried out at any time on Sundays or Public and Bank Holidays.
- 3 The applicant is asked that no materials be burnt on the site for the duration of the construction works.

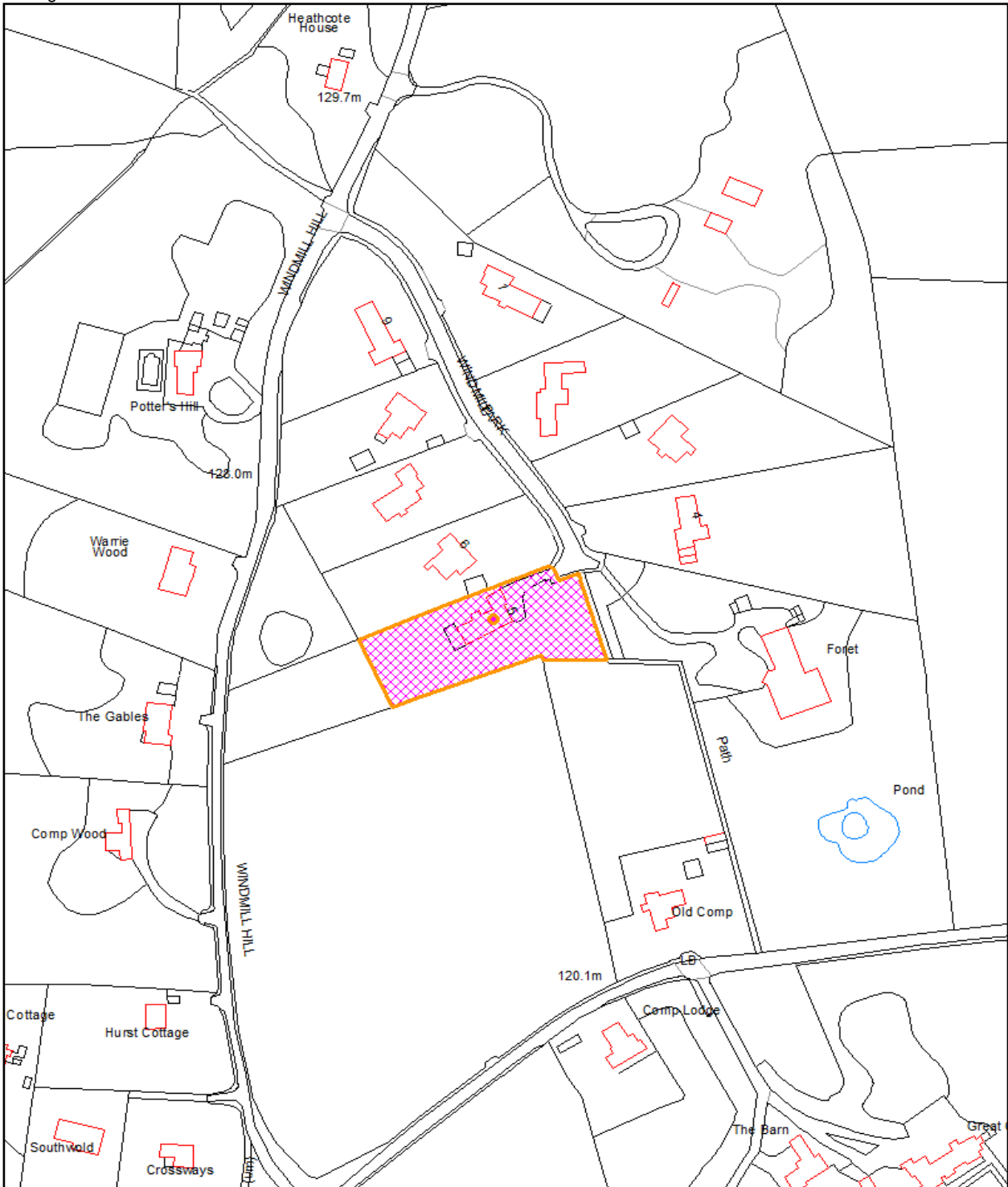
Contact: Rebecca Jarman

**TM/17/03399/FL**

**5 Windmill Park Wrotham Heath Sevenoaks Kent TN15 7SY**

Proposed repitched roof with raised ridge height incorporating rooms in the roofspace  
demolition of existing garage, and construction of new extension

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**Alleged Unauthorised Development**  
**Plaxtol 18/00146/WORKM**  
Borough Green And  
Long Mill

Location: Land South West Of Claygate House Winfield Lane Borough  
Green Sevenoaks Kent

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**1. Purpose of Report:**

- 1.1 To report the construction of a building within the site without the benefit of planning permission

**2. The Site:**

- 2.1 The site forms an area of agricultural land, to the west of Winfield Lane, which is designated as Metropolitan Green Belt. Other unauthorised development across the site is the subject of separate ongoing proceedings to remove development and restore the condition of the land, details of which are summarised at Section 3 of this report.

**3. Planning History:**

- 3.1 Unauthorised Open Storage – Enforcement Notice Issued 8 September 2016;
- 3.2 Unauthorised Hard surface – Enforcement Notice Issued 8 September upheld on Appeal 12 September 2017;
- 3.3 Unauthorised Residential Caravan Site – Enforcement Notice Issued 8 September 2016: upheld on Appeal 12 September 2017;
- 3.4 In upholding the Enforcement Notices the Inspector amended the time period for compliance from three calendar months to six calendar months. The Notices have not been complied with and the Council is currently progressing these breaches separately through further legal action.

**4. Alleged Unauthorised Development:**

- 4.1 Without planning permission the erection of a new building within the Metropolitan Green Belt.

**5. Determining Issues:**

- 5.1 The site has recently been inspected to determine if there has been compliance with three enforcement notices issued in 2016. During this inspection it was noted that a new building had been erected on site subsequent to the serving of the previous notices. No planning application has been made for the building and no planning permission granted. The building was being used to store mechanical equipment

and for the repair/maintenance of vehicles. Crucially, the use of the site for this purpose should not be occurring in any event as open storage, including storage of vehicles, was the subject of one of the notices served, upheld on appeal.

- 5.2 The site lies within the Metropolitan Green Belt and, in the absence of any evidence that the building is in use for agricultural purposes, the development is inappropriate and by definition is harmful to the Green Belt. Its size and position within the site also causes material harm to openness, along with harm to the rural amenities of the locality. No very special circumstances have been identified that would outweigh this harm. As such, the development is contrary to the requirements of the NPPF (Section 9) and policies CP3, CP14 and CP25 of the TMBCS.
- 5.3 In light of these considerations, I recommend that it is appropriate to take Enforcement Action to seek the removal of the new building, with a period of three months for compliance.

**6. Recommendation:**

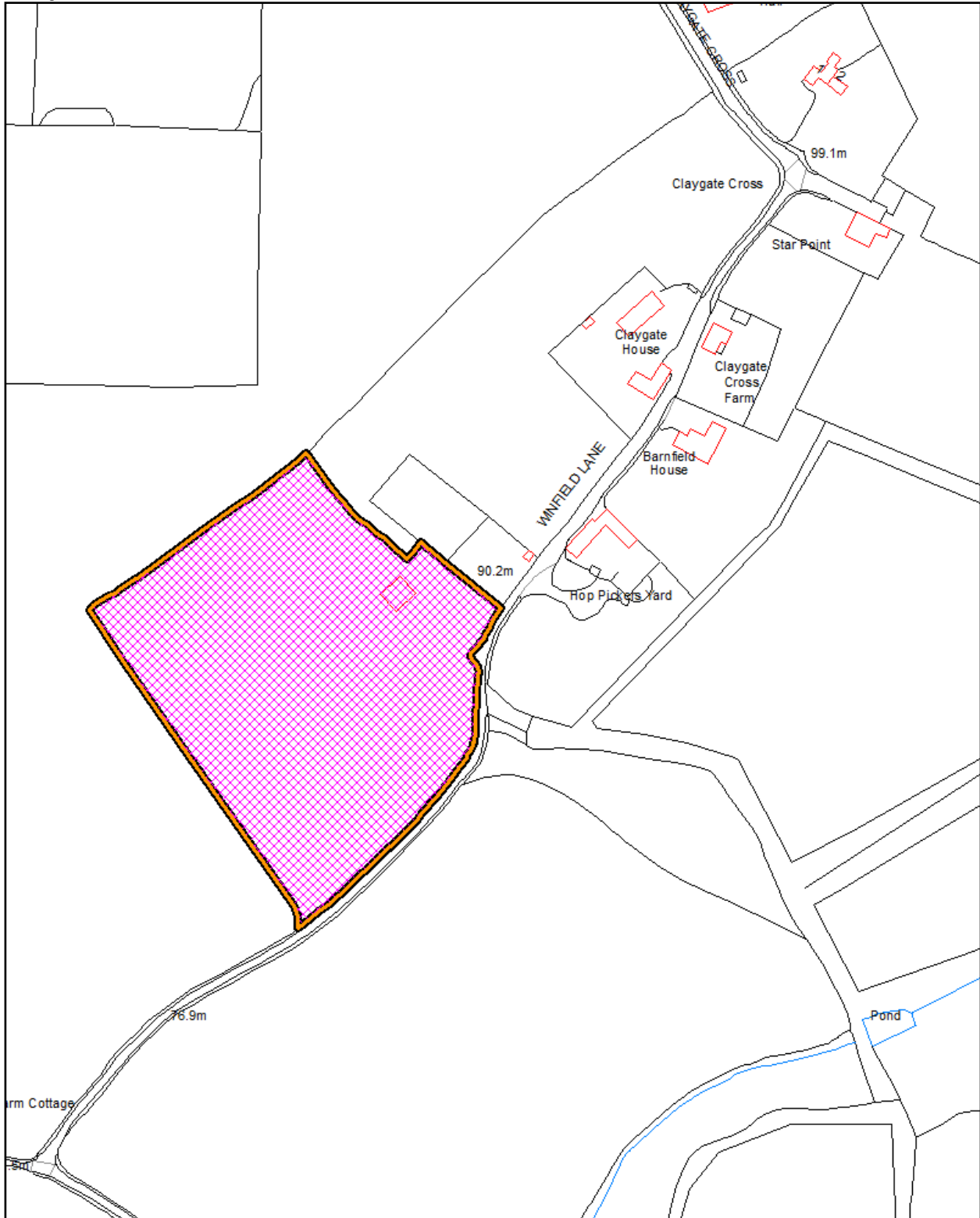
- 6.1 An Enforcement Notice **BE ISSUED** to seek the removal of the unauthorised building, the detailed wording of which to be agreed by the Director of Central Services.

Contact: Richard Edmonds

**18/00146/WORKM**

**Land South West Of Claygate House Winfield Lane Borough Green Sevenoaks Kent**

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## **Alleged Unauthorised Development**

**Addington** 17/00314/WORKM and

Downs And Mereworth 17/00315/WORKM

Location: Littlefields Plaxdale Green Road Stansted Sevenoaks Kent  
TN15 7PE

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

- 1.1 To report the unauthorised erection of a summer house building and tree house/raised platform within the residential curtilage of the property.
- 1.2 The summer house measures 7.5m x 6m with 2.1m high eaves and a 4m ridge height. The enclosed floor area is 4m x 6m and includes a shower, toilet and kitchenette. It is inset 0.39-0.9m from the southwest boundary and about 9.5m from the northwest boundary. The external materials include horizontal natural timber to walls and artificial slate roof tiles.
- 1.3 The raised platform comprises a freestanding timber platform 5m high which has been erected in a large oak tree situated within the western corner of the site. It has been constructed of timber with log uprights. The platform is set around 3 limbs of the tree. External timber stairs have also been erected that provide access to the tree house/platform and to the loft space of the summer house.

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

- 2.1 The site is located on the northwest side of Plaxdale Green Road, about 230m to the southwest of Parsons Green Lane in the countryside to the southeast of Stansted. The plot is regular in shape and is occupied by a two-storey detached dwelling that has recently been extended. A brick garage is situated close to the northeast side boundary. An outbuilding and tree house have been erected within the western corner of the site. The adjacent field to the northeast is also under the ownership of the applicant. A static caravan and a shipping container are currently positioned on the northeast boundary of the site. The boundary fencing separating the application site from the adjoining field to the northeast has been removed. A small timber shed/stable is located on this adjacent land close to the site boundary. The vehicle access to the site is located at the northern end of the frontage and is defined by splayed brick and flint walls and timber gates set back from the edge of the highway.
- 2.2 The site is in the Green Belt and Countryside and within a Groundwater Source Protection Zone 3 and an aquifer designation.
- 2.3 The semi-detached dwellings of Hilden House and Hollands Farm House are situated to the east. The Grade II listed building of The Old Manor lies to the northeast beyond the adjoining field. A meadow lies to the northwest and agricultural land lies to the south.

**3. Relevant Planning History:**

**18/00071/FL**

Littlefields Plaxdale Green Road Stansted Sevenoaks Kent TN15 7PE

Retention of summer house and tree house/raised platform (Retrospective)

Refused 18 April 2018

**4. Alleged Unauthorised Development:**

- 4.1 Without planning permission the erection of an unauthorised summer house and treehouse/raised platform within the curtilage of the main dwellinghouse.

**5. Determining Issues:**

- 5.1 Retrospective planning permission for both the building and structure was refused under one planning reference - TM/18/00071/FL - under delegated powers on 18 April 2018. Permission was refused for the following reasons:
- 1 *The proposal, due to the height and size of the tree house/raised platform, would constitute a new building that would be inappropriate development which by definition is harmful to the Green Belt. It would also result in countryside encroachment. The Local Planning Authority does not consider that Very Special Circumstances exist that would outweigh the harm from the development's inappropriateness. 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, by reason of the size, scale and position of the tree house/raised platform on the site, would result in a highly visible and intrusive feature within the landscape that would demonstrably harm the character of the area and visual amenity of the surrounding rural locality. The proposed development is therefore contrary to Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, Policies SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment DPD 2010 and paragraphs 56, 60, 61 and 64 of the National Planning Policy Framework 2012.*
- 5.2 As such, both the building and tree house do not have planning permission and the decision to refuse on a retrospective basis for the reasons above indicates that they are not acceptable in planning terms. It is therefore necessary to serve an Enforcement Notice to seek the removal of both structures. As they are interconnected, this can be achieved through a single notice. I would suggest that a reasonable period of time to remove them would be three calendar months from the notice taking effect.

5.3 Members should note that the time period in which the owner 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 removal of the development in its entirety (namely the unauthorised summer house and tree house/raised platform), the detailed wording of which to be agreed by the Director of Central Services.

Contact: Adam Wonnacott

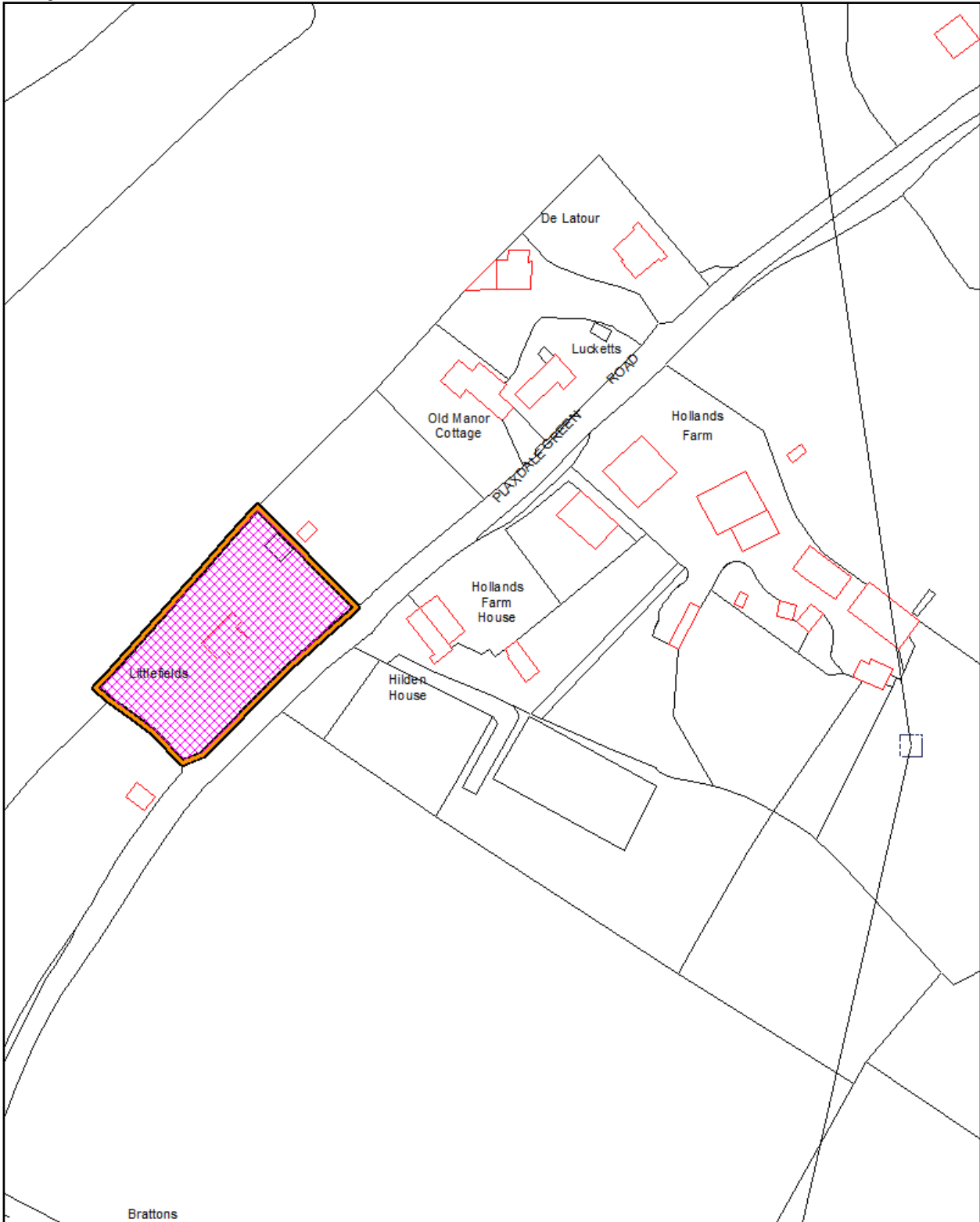
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**17/00314/WORKM & 17/00315/WORKM**

Littlefields Plaxdale Green Road Stansted Sevenoaks Kent TN15 7PE

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**Alleged Unauthorised Development**  
**Addington 17/00312/WORKH**  
Downs And Mereworth

Location: The Seekers Trust The Close Addington West Malling Kent  
ME19 5BL

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**1. Purpose of Report:**

- 1.1 To report the construction of an unauthorised single storey building for the keeping/rearing of fish for commercial purposes by The Seekers Trust.

**2. The Site:**

- 2.1 The application site comprises an enclosed garden situated to the northeast of the main Seekers Trust accommodation and courtyard. The garden is enclosed by high stone and brick walls and a hedgerow. It contains several greenhouses and a brick outbuilding. The remaining area is grassed. The building is situated within the northeast corner of the enclosed garden.
- 2.2 The site is within the Green Belt, Addington Conservation Area (CA), an Area of Archaeological Potential (AAP), a Groundwater Source Protection Zone 3 and an aquifer designation. A Public Right of Way footpath runs past the eastern boundary of the site along the access road to the Church.
- 2.3 The remaining part of the larger Seekers Trust site consists of an L-shaped building providing self-contained guest accommodation to the southwest of the application site, woodlands further to the east, and several buildings named Churchfield beyond the woodlands providing more guest accommodation closer to Trottiscliffe Road. An informal car parking area is provided immediately to the north of the site.

**3. Relevant Planning History:**

**18/00268/FL**

**The Seekers Trust The Close Addington West Malling Kent**

Application for temporary permission (7 years) for a single storey building for the keeping/rearing of fish relating to The Seekers Trust and for commercial purposes (Retrospective)

Refused 18 April 2018

**4. Alleged Unauthorised Development:**

- 4.1 Without planning permission the construction of an unauthorised single storey building for the keeping/rearing of fish for commercial purposes by The Seekers Trust.

**5. Determining Issues:**

- 5.1 Retrospective planning permission for the building was refused under planning reference TM/18/0068/FL under delegated powers on 18 April 2018. Permission was refused for the following reasons:

1. *The proposal includes a new building that constitutes inappropriate development which by definition is harmful to the Green Belt. It would also result in countryside encroachment. The Local Planning Authority does not consider that Very Special Circumstances exist that would outweigh the harm from the development's inappropriateness. 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 is for development that is not listed as a kind of development permitted in the designated countryside and therefore is contrary to Policy CP14 of the Tonbridge and Malling Borough Core Strategy 2007.*
  3. *The proposed development, by reason of the substantial size and scale of the building, its unsympathetic design and visibility within the Addington Conservation Area, would have a demonstrably harmful impact on the appearance and character of the Conservation Area and visual amenity of the surrounding 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 Borough Managing Development and the Environment DPD 2010 and paragraphs 56, 60, 61, 64, 131, 132 and 134 of the National Planning Policy Framework 2012.*
- 3.1 The refusal of planning permission for the reasons set out above indicates that the building is unacceptable in planning terms and therefore should be removed from the site in order to remedy the identified harm arising. It is therefore necessary to serve an Enforcement Notice to seek the removal of the building. I would suggest that a reasonable period of time to remove the building would be three calendar months from the notice taking effect.
- 3.2 Members should note that the time period in which the owner 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.
- 3.3 In light of the above, the following recommendation is put forward.

4. **Recommendation:**

- 4.1 An Enforcement Notice **BE ISSUED** to seek the removal of the unauthorised single storey building, the detailed wording of which to be agreed by the Director of Central Services.

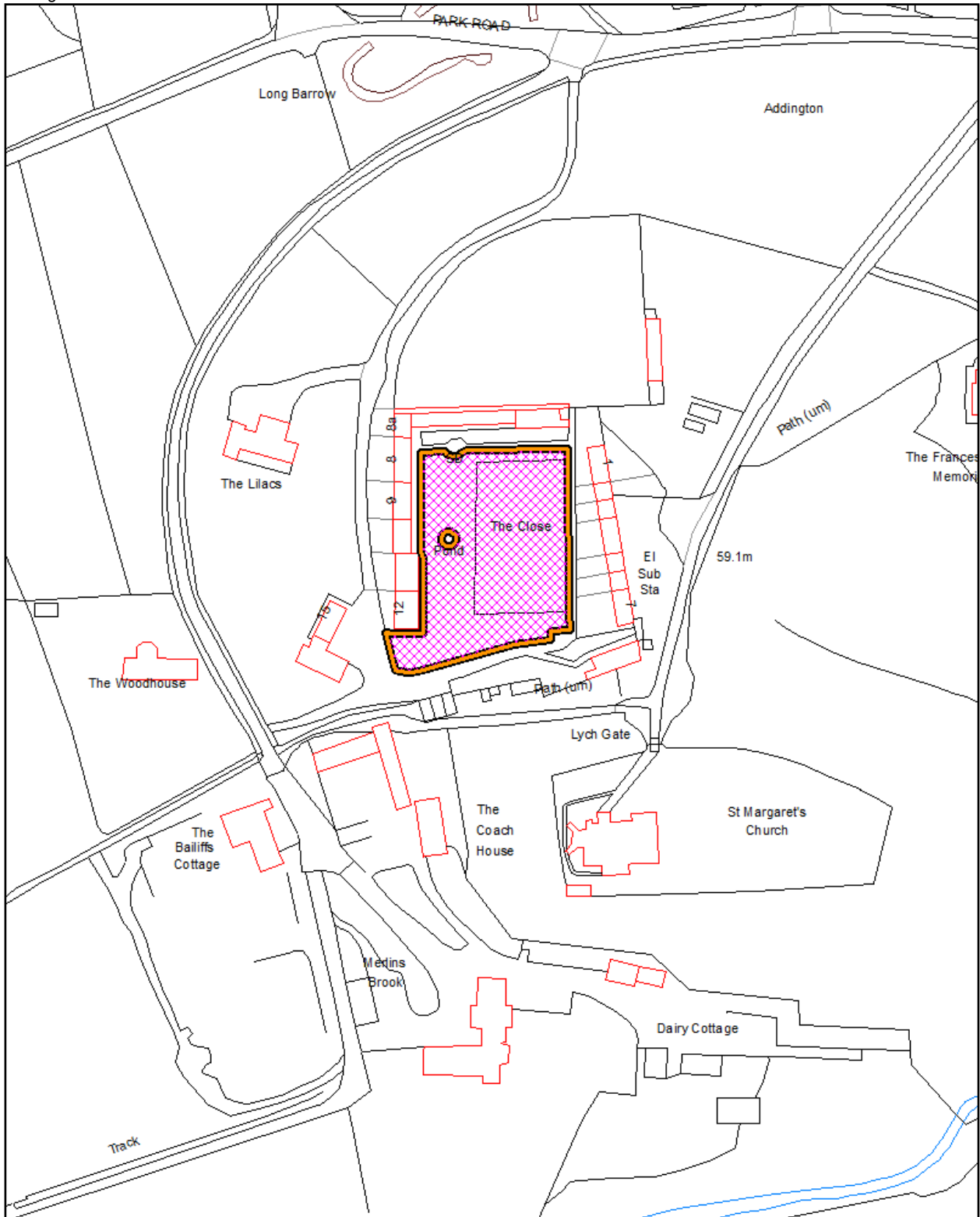
Contact: Adam Wonnacott

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17/00312/WORKH

The Seekers Trust The Close Addington West Malling Kent

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**Alleged Unauthorised Development**  
**West Malling**                      **17/00077/LBH**  
West Malling &  
Leybourne

Location:                              Five Pointed Star 100 High Street West Malling Kent ME19  
6NE

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**1. Purpose of Report:**

1.1 To report the unauthorised construction of a pergola within the curtilage of a listed building.

**2. The Site:**

2.1 The site lies within West Malling Rural Service Centre, on the west side of West Malling High Street, about 50m south of the junction with West Street, and within the West Malling Conservation Area. The building is also Grade II listed.

2.2 The site accommodates a two-storey listed building occupied as the Five Pointed Star public house. The front elevation of the building stands directly on the back edge of the public footpath. The site includes a vehicular access to the south of the building which leads to an open area of land which is used for customer parking.

**3. Relevant Planning History:**

TM/17/01693/FL      Refused                      9 May 2018

Retrospective application: Erection of pergola enclosed by fencing within the rear courtyard

**4. Alleged Unauthorised Development:**

4.1 Without planning permission the unauthorised construction of a pergola structure.

**5. Determining Issues:**

5.1 Retrospective planning permission for the structure in question was refused under planning reference TM/17/01693/FL under delegated powers on 09 May 2018. Planning permission was refused for the following reason:

1      *The development by virtue of its excessive size, incongruous design and appearance and specific siting is out of character with the listed building to which it is attached and furthermore causes overt harm to the appearance and setting of the listed building and the West Malling Conservation Area in which the building is located. As such the development is contrary to Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007, and to Policy SQ1 of the Tonbridge and Malling*

*Managing Development and the Environment Development Plan Document 2010, and contrary to the requirements of paragraphs 131 and 132 of the National Planning Policy Framework (2012).*

- 5.2 As such, the development does not have the benefit of 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 reason given above. It is therefore necessary to serve an Enforcement Notice to remove the structure and remedy the identified harm. I would recommend that a reasonable period of time to remove the structure would be one calendar month from the notice taking effect.
- 5.3 Members should note that the time period in which the owners of the property have 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:**

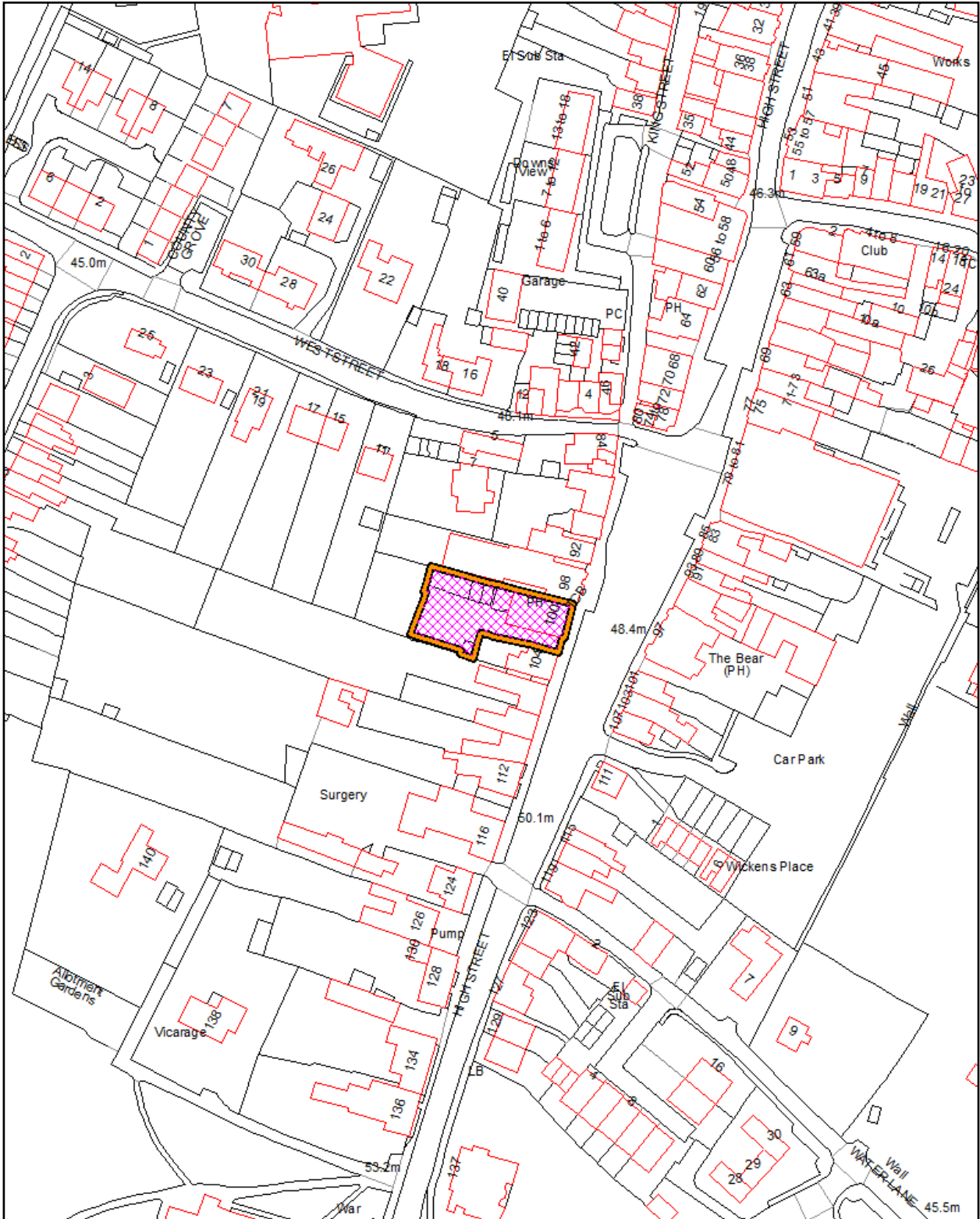
- 6.1 An Enforcement Notice **BE ISSUED** to seek the removal of the unauthorised structure, the detailed wording of which to be agreed with the Director of Central Services.

Contact: Sam Chalmers-Stevens

17/00077/LBH

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# Agenda Item 13

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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