

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

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
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18 September 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, 26th September, 2018 commencing at 7.30 pm. Deposited plans will be available for Members' inspection for half an hour before the start of the meeting.

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

PART 1 - PUBLIC

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7. 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.

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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

9. 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, 15th August, 2018

Present: Cllr Mrs F A Kemp (Chairman), Cllr B J Luker (Vice-Chairman), Cllr Mrs J A Anderson, Cllr M A C Balfour, Cllr M A Coffin, Cllr S R J Jessel, Cllr Mrs S L Luck, Cllr P J Montague, Cllr H S Rogers, Cllr Miss J L Sergison and Cllr M Taylor.

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

Apologies for absence were received from Councillors Mrs S M Barker, R P Betts, L O'Toole, T B Shaw and Miss S O Shrubsole.

PART 1 - PUBLIC

AP2 18/28 DECLARATIONS OF INTEREST

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

AP2 18/29 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 4 July 2018 be approved as a correct record and signed by the Chairman.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION (RESPONSIBILITY FOR COUNCIL FUNCTIONS)

AP2 18/30 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 18/31 TM/18/00595/FL - G B TATHAM AND CO LTD, 9 WILLOW WENTS, MEREWORTH

Demolition of existing office/workshop building and erection of 4 no. houses at G B Tatham and Co Ltd, 9 Willow Wents, Mereworth.

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

- (1) The proposed development, by virtue of the siting, scale, massing and height of unit 1 when combined with its close proximity to the northern boundary shared with the immediate neighbour (11 Willow Wents), would result in an intrusive and dominant form of development when viewed from that neighbouring property, which would cause harm to the residential amenities of the occupants. The development is therefore contrary to policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and the requirements contained at paragraphs 127 (c and f) and 130 of the National Planning Policy Framework 2018.

[Speakers: Alison Currie and Richard Jones – Members of the public]

AP2 18/32 TM/18/00420/FL - 22 THE LANDWAY, BOROUGH GREEN

Demolition of existing workshop buildings, construction of two 2 bedroom and one 3 bedroom houses with associated parking and amenity areas at 22 The Landway, Borough Green.

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

(1) Amended Conditions:

6. 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) and any contaminated material contained within its construction, 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 all demolition works, 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 2018.

7. 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 2018.

8. 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 (inclusive of all demolition and disposal activities) 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 2018.

12. No above ground development shall commence on site until full details of a scheme of acoustic protection for the dwellings hereby approved has been submitted to and approved by the Local Planning Authority. The scheme shall be informed by (but not limited to) the Environmental Noise Survey prepared by Aulos Acoustics, reference 0-1808 T2963-634, dated 12 July 2018. The approved scheme shall be implemented prior to the first occupation of any of the dwellings hereby permitted and shall be retained at all times thereafter.

Reason: To safeguard the aural amenity of the occupiers of the dwellings hereby permitted.

(2) Additional Informatives:

8. The applicant is advised that in order to achieve compliance with conditions 6 – 8 inclusive it will be necessary to fully survey the existing building for the presence of contaminated materials including, but not limited to, asbestos. The remediation scheme will be required to ensure safe demolition and disposal of the existing building and that will need to be verified as completed and remediated.

9. The applicant is advised that in order to achieve compliance with condition 12, they should undertake further noise surveys at times of the day when the adjacent forge is in active operation to ensure the proposed mitigation strategy would be fully effective at all times.

[Speakers: Kevin Willard and Kim Skinner – Members of the public]

AP2 18/33 TM/18/00988/FL - 31 HARRISON ROAD, BOROUGH GREEN

Demolition of existing single garage and porch. Construction of 1 no new three bedroom dwelling, driveway and crossover to serve the new dwelling and the extension and alteration of 31 Harrison Road, Borough Green.

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

- (1) The proposal, by virtue of its siting, layout and overall size, would result in an incongruous form of development that would erode the openness of a corner plot to the detriment of the visual amenities of the street scene and prevailing character of the wider locality. The development is therefore contrary to policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and the requirements contained at paragraphs 127 (c and d) and 130 of the National Planning Policy Framework 2018.

[Speakers: Christine Chapman, Aaron Austin and Kim Skinner – Members of the public]

AP2 18/34 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.45 pm

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TONBRIDGE & MALLING BOROUGH COUNCIL

AREA PLANNING COMMITTEES

Report of the Director of Planning, Housing & Environmental Health

Part I – Public

Section A – For Decision

DEVELOPMENT CONTROL

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

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

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

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

GLOSSARY of Abbreviations and Application types

used in reports to Area Planning Committees as at 23 September 2015

AAP	Area of Archaeological Potential
AODN	Above Ordnance Datum, Newlyn
AONB	Area of Outstanding Natural Beauty
APC1	Area 1 Planning Committee
APC2	Area 2 Planning Committee
APC3	Area 3 Planning Committee
ASC	Area of Special Character
BPN	Building Preservation Notice
BRE	Building Research Establishment
CA	Conservation Area
CPRE	Council for the Protection of Rural England
DEFRA	Department for the Environment, Food and Rural Affairs

DETR	Department of the Environment, Transport & the Regions
DCLG	Department for Communities and Local Government
DCMS	Department for Culture, the Media and Sport
DLADPD	Development Land Allocations Development Plan Document
DMPO	Development Management Procedure Order
DPD	Development Plan Document
DPHEH	Director of Planning, Housing & Environmental Health
DSSL	Director of Street Scene & Leisure
EA	Environment Agency
EH	English Heritage
EMCG	East Malling Conservation Group
FRA	Flood Risk Assessment
GDPO	Town & Country Planning (General Development Procedure) Order 2015
GPDO	Town & Country Planning (General Permitted Development) Order 2015
HA	Highways Agency
HSE	Health and Safety Executive
HMU	Highways Management Unit
KCC	Kent County Council
KCCVPS	Kent County Council Vehicle Parking Standards
KDD	Kent Design (KCC) (a document dealing with housing/road design)
KWT	Kent Wildlife Trust
LB	Listed Building (Grade I, II* or II)
LDF	Local Development Framework
LLFA	Lead Local Flood Authority
LMIDB	Lower Medway Internal Drainage Board
LPA	Local Planning Authority
LWS	Local Wildlife Site
MAFF	Ministry of Agriculture, Fisheries and Food
MBC	Maidstone Borough Council
MC	Medway Council (Medway Towns Unitary Authority)
MCA	Mineral Consultation Area
MDEDPD	Managing Development and the Environment Development Plan Document
MGB	Metropolitan Green Belt
MKWC	Mid Kent Water Company
MWLP	Minerals & Waste Local Plan
NE	Natural England
NPPF	National Planning Policy Framework
PC	Parish Council
PD	Permitted Development
POS	Public Open Space
PPG	Planning Policy Guidance
PROW	Public Right Of Way

SDC	Sevenoaks District Council
SEW	South East Water
SFRA	Strategic Flood Risk Assessment (prepared as background to the LDF)
SNCI	Site of Nature Conservation Interest
SPAB	Society for the Protection of Ancient Buildings
SPD	Supplementary Planning Document (a statutory policy document supplementary to the LDF)
SPN	Form of Statutory Public Notice
SSSI	Site of Special Scientific Interest
SWS	Southern Water Services
TC	Town Council
TCAAP	Tonbridge Town Centre Area Action Plan
TCS	Tonbridge Civic Society
TMBC	Tonbridge & Malling Borough Council
TMBCS	Tonbridge & Malling Borough Core Strategy (part of the Local Development Framework)
TMBLP	Tonbridge & Malling Borough Local Plan
TWBC	Tunbridge Wells Borough Council
UCO	Town and Country Planning Use Classes Order 1987 (as amended)
UMIDB	Upper Medway Internal Drainage Board
WLP	Waste Local Plan (KCC)
AGPN/AGN	Prior Notification: Agriculture
AT	Advertisement
CA	Conservation Area Consent (determined by Secretary of State if made by KCC or TMBC)
CAX	Conservation Area Consent: Extension of Time
CNA	Consultation by Neighbouring Authority
CR3	County Regulation 3 (KCC determined)
CR4	County Regulation 4
DEPN	Prior Notification: Demolition
DR3	District Regulation 3
DR4	District Regulation 4
EL	Electricity
ELB	Ecclesiastical Exemption Consultation (Listed Building)
ELEX	Overhead Lines (Exemptions)
FC	Felling Licence
FL	Full Application
FLX	Full Application: Extension of Time
FLEA	Full Application with Environmental Assessment
FOPN	Prior Notification: Forestry
GOV	Consultation on Government Development
HN	Hedgerow Removal Notice
HSC	Hazardous Substances Consent

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

Shipbourne
Borough Green And
Long Mill

19 December 2017

(A) TM/17/03471/ FL
(B) TM/17/03472/LB

Proposal:

(A) Sub-division of existing site containing one Grade II-listed dwelling, one Grade II-listed barn and one oast house into three self-contained plots with Grade II- listed barn and oast house converted into dwelling

(B) Listed Building Application: Sub-division of existing site containing one Grade II-listed dwelling, one Grade II-listed barn and one oast house into three self-contained plots with Grade II- listed barn and oast house converted into dwellings

Location:

Great Budds House Mote Road Shipbourne Tonbridge Kent
TN11 9QD

Go to:

[Recommendation](#)

1. Description:

1.1 Planning and Listed Building Consent is required to split the existing Great Budds House site into three separate residential curtilages, each comprising one principal building within a substantial plot. The barn would be converted to a dwelling and the former oast house would also become a conventional dwellinghouse. The existing property, Great Budds House, would remain as a single dwellinghouse. The proposal would not involve the demolition or partial demolition of any existing buildings and does not involve the construction of any additional buildings. A new access would be formed onto Mote Road, serving two new drives, one leading to Great Budds House and the other to the former Oast. In detail the proposal is as follows:-

1.2 Great Budds House:

- There are no plans to make any significant changes to the house itself.
- Externally, a drive would be formed from a new access onto Mote Road.

1.3 Oast house:

- Curtilage listed building to be converted to a single dwelling would involve no major external works but some windows would be repositioned to reduce opportunities for overlooking of the garden of the main house.
- A new drive would be formed, sharing the new access onto Mote Road, leading to an existing triple garage that will be divided with Great Budds House to allow cars to enter from the south side.

1.4 Barn:

- Conversion to a single dwelling is proposed. The barn is a grade II listed 18th century barn, which is listed under the name 'barn 30 yds to the north west of Great Budds'.
- The conversion does involve some new openings in the walls and roof to accommodate windows and doors and internal additions/alterations.
- The more recent stable block attached to the barn is to be adapted to accommodate car parking spaces.
- Vehicular access would be from the existing drive which runs just inside the northern site boundary.

1.5 The applications have been accompanied by a Design and Access, Planning and Heritage Statements, Conservation Species Inventory, Bat Survey and Structural Report.

2. Reason for reporting to Committee:

2.1 At the request of Cllr Taylor in order to consider the impact on the Green Belt and historic environment.

3. The Site:

3.1 The site is a roughly rectangular parcel of land, about 2.6ha in area, in open countryside off the west side of Mote Road, some 1.5km west of the A227 Gravesend Road. The site lies within designated Metropolitan Green Belt and within the Kent Downs Area of Outstanding Natural Beauty. Most of the site lies within Budds Green Shipbourne Conservation Area. The site accommodates two buildings listed within Grade II of the Statutory List of Buildings of Historic or Architectural Importance: These are Great Budds House and the barn. The Listing details are as follows:-

Farmhouse. C18. Red brick ground floor, tile-hung first floor with some evidence of timber-framing. Moulded eaves cornice to half-hipped tiled roof. Three hipped dormers. Two storeys and attic; 3 window front. Three-light casement windows in outer bays, 2-light in centre of first floor. Central entrance with panelled door, overlight and flat hood. Catslide to rear with modern additions. Interior. Possible evidence of earlier work in dining room. Rubble stone wall, recently revealed with base-rib moulding and 2 stone reliefs of religious subjects. Most probably re-used stone, retrieved after demolition of medieval chapel at Shipbourne to make way for Gibbs's Church.

Barn. C18. Weather-boarded on stone-plinth with plain tiled roof. Hipped-roofed south wagon entrance, now closed, with smaller door below. Catslide to west,

lean-to addition to east, and gable cross-wing to north. Six bays. Chamfered hoods to uprights inside.

- 3.2 The applicant also owns an area of approximately 3ha to the south of the main Great Budds site which is arranged as two paddocks. A Public Right of Way exists along the access track on the northern side.

4. Planning History (relevant):

TM/74/11629/OLD grant with conditions 31 January 1974

The conversion of oasthouse to form staff flat at ground floor level with guest accommodation and children's play room at first floor level, including the erection of a covered way to link the oasthouse and existing dwellinghouse.

TM/79/10938/FUL grant with conditions 22 March 1979

Renewal of MK/4/73/729 viz, conversion of oasthouse to form staff flat, at ground floor level, with guest accommodation and children's playroom at first floor level, including the erection of a covered way to link the oasthouse and existing

TM/80/11326/FUL grant with conditions 13 November 1980

Conversion of existing oast building to provide games area, indoor swimming pool and hydro-spa with associated changing rooms, and erection of wall around swimming pool

TM/88/11031/LBC grant with conditions 19 September 1988

Alterations to stables.

TM/90/10646/LBC grant with conditions 14 January 1990

Listed Building Application: Repointing chimney stacks, new external brick walls, tile hanging to single storey extension, replacing greenhouse and underpinning.

TM/91/10490/FUL grant with conditions 14 January 1991

2.75m high tennis court surround fence.

TM/91/11173/LBC grant with conditions 18 July 1991

Listed Building Application: Satellite Dish.

TM/98/01910/LB Grant With Conditions 31 December 1998

Listed Building Application: remove rear part pitched and flat roof. Construction of pitched roof in lieu. Remove rear stack serving aga and rebuild to larger size. Demolition of the eastern (rear) stack and rebuild to increased height.

TM/98/01917/FL Grant With Conditions 4 January 1999

Removal of rear part pitched roof and construction of pitched roof to form 2 rooms within roof space. Rebuilding of rear stack to larger size and increase height of existing rear stack

TM/01/00381/FL Grant With Conditions
Construction of Approved 18 June 2007
rear conservatory

TM/01/00383/LB Grant With Conditions
Conservatory Approved 28 June 2010

Erect freestanding triple garage

TM/12/00722/FL Approved 2 May 2012

Erection of 3 brick piers to match existing with 3 new field gates across access drive

5. Consultees:

5.1 PC: Object: A lengthy letter has been submitted which has been summarised in this report – the full representation is available for inspection through our planning register. In summary the comments are as follows:-

The applications involve two Grade II Listed Buildings within the Conservation Area of Budds Green which is within the Kent Downs AONB and designated Metropolitan Green Belt. The buildings at Great Budds are grouped closely together as most historic agricultural buildings were. They form a 'group' with a particular and special character and relationship with one another. This attractive group of buildings at Great Budds add greatly to the historic character of the parish and has important landscape value. Strong objection to:

- the creation of a new access onto Mote Road around the frontage of Great Budds farm house – represents an incursion into the Green Belt, and AONB;
- the provision of new internal accesses and the division of the curtilage with fences, planting and walls which break up the historic farmstead group. They ascertain that the revised access replaces an historic access to the front of the house which does not justify a new access at this point in time – when the house was listed in 1954 the setting was as it is today the historic access to the farm and farmhouse was from the rear and a new access is unnecessary,
- the design solution for and the change of use of the barn – the proposals would make it difficult to understand the original function of the barn and the way the farmstead worked;

- Other uses for the barn should be explored which have fewer changes and windows and lets the barn remain ancillary to Great Budds House suggest workspace, pottery, craft area, play area, gym;

5.2 The Georgian Group: Object – proposed changes to the barn would result in an excessively domestic character harming the original form. Excessive fenestration and internal subdivision. Would result in the reduction in openness of the Great Budds farmstead and the proposed fences and access physically separate the buildings harming the physical functional and historical relationship between the principle elements of the site.

5.3 Historic England: Has concerns on heritage grounds that need addressing. These concerns include:-

- Design and Access statement explains why alternative uses not considered acceptable but does not explain why domestic uses such as garden storage or gym have not been considered;
- The amount of glazing has been reduced as a result of revised plans but it could still be reduced further on either side of the threshing door to minimise harm caused and the overall domestic character of the building;
- The historic maps showed direct access to Great Budds house – this proposal includes a driveway to Buds Oast which would bisect the garden – suggested that the driveways follow the perimeter of the plots.

(These issues have been addressed within the Determining Issues (Section 6) of this report)

5.4 Natural England: No comments

5.5 KCC PROW: The Public Right of Way which runs alongside the property is a Restricted Byway, this means the path should be open and available to use by pedestrians, cyclists, horse riders and horse drawn vehicles. No gates should be on a Restricted Byway and no vehicles should be parked in a way to obstruct these legitimate users. It should be made clear to the applicant that any unauthorised furniture or any obstruction will be removed from the Public Right of Way.

5.6 Kent Downs AONB: Object:

- The application site lies in the Low Weald landscape character area (LCA) as identified in the Landscape Character Assessment of the Kent Downs. The application site is located towards the bottom of the escarpment of the Greensand Ridge, the dramatic and impressive south facing slope of greensand that is identified as one of the key special characteristics of the Kent Downs natural beauty.

- The farmstead group of buildings is typical of the landscape character area within which it lies, comprising a courtyard plan farmstead. Historic maps indicate that the farmstead layout has remained virtually unaltered and it is considered to be of historical importance that contributes to the local distinctiveness of the Kent Downs. The works proposed to facilitate the conversion of the listed barn still involve the introduction of extensive new openings on both the south west and north east elevations. They consider that these proposed alterations would fail to conserve and enhance the historic character and features of this historic barn, resulting in an overly domestic appearance. Introduction of extensive openings could also negatively impact on the tranquillity of the Kent Downs by introducing new light pollution in this rural area.
- The proposal involves the subdivision of the site to provide three separate residential curtilages. This would also have an adverse impact on the AONB, both in terms of severance of the historic farmstead and also in visual terms. The boundary treatments are considered to be unacceptable – should be either a 3 rail cleft chestnut post and rail fencing or an indigenous hedge
- The proposed access is most likely to have been a pedestrian path however and the new driveways would cut across the existing undeveloped grassland to the front of the farmhouse which forms the setting of the farmstead and would further emphasise the breaking up of the farmstead - consider it would be preferable to utilise the existing historic driveway to the rear of the house to serve all three properties.

5.7 Private Reps + Site and Press Notice (2/0X/7R/0S) raising the following objections:

- Will result in extensive suburbanisation of a group of Grade 2 Listed Buildings which are in a Conservation Area, AONB and Green Belt;
- Will result in the sub division of an historic farmstead courtyard into three freeholds;
- Form of historic setting for farm courtyard will be turned 'inside out' i.e. from an arrival place to private gardens, necessitating new access ways;
- Barn conversion looks like an oversized suburban house;
- The new access ways will result in the loss of openness in the Green Belt and will turn meadow land into private gardens, inappropriate development;
- Barn conversion is of poor design and shows disregard for the setting of the AONB by proposing 12 windows and 4 roof lights on the north east side where there are currently none – this façade is seen across the fields in the AONB

and the adjoining public footpath, the openings fail to acknowledge the original timber framing, and the proposed development will result in light pollution;

- The proposal impacts on the landscape with existing oak trees being affected by the proposed driveways;
- As site adjoins land owned by the National Trust and the farmstead is an important landscape element of the Great Budds area would expect application to include a full landscape assessment and a historic assessment of the farmstead;
- Historic access to Great Budds house was a footway not a carriageway – main entrance to the house has always been to the side;
- No need for three separate entrances to the properties – can utilise the existing situation;
- There is a registered track (MR309A) that runs alongside the barn and the proposal is to remove this and replace it with a driveway for cars.

6. Determining Issues:

Principle of Development:

- 6.1 In terms of the principle of development of this nature, it should be noted that the Council can no longer demonstrate an up to date five year supply of housing when measured against its objectively assessed need (OAN). Whilst this will be addressed through the local plan, it has clear implications for decision making in the immediate term. In this respect, a new version of the NPPF has been published (24 July 2018) and this now forms a material planning consideration. Overall, in respect of this development the general thrust of government guidance has not altered and the presumption in favour of sustainable development still falls to be applied in the absence of a five year supply of housing, which it is accepted the Council cannot currently demonstrate. The precise wording which sets out the “presumption” is now contained at paragraph 11(d) of the NPPF and states that in effect because the Council cannot demonstrate an up to date five year supply, much of the development plan is considered to be out of date for the purposes of determining applications which propose new housing development such as this.
- 6.2 The development plan must remain the starting point for determining any planning application (as statutorily required by s38 (6) of the Planning and Compulsory Purchase Act 2006) which is overtly reiterated at paragraph 12 of the NPPF, the consequence of this must be an exercise to establish conformity between the development plan and the policies contained within the Framework as a whole and thus ultimately the acceptability of the scheme for determination.

- 6.3 However, paragraph 11(d) of the NPPF sets out that planning permission should be granted unless the application of policies within the Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development. Footnote 6 then sets out what those policies are and includes policies for land designated as Green Belt. It is therefore necessary to establish firstly whether the scheme accords with restrictive Green Belt, Heritage and Natural Environment policies before establishing whether the presumption applies.
- 6.4 In applying national Green Belt policy, inappropriate development in the Green Belt is harmful by definition and “should not be approved except in very special circumstances”. The weight to be given to the harm (both by definition and any other harm) is “substantial” (paragraph 88).
- 6.5 Paragraph 143 of the NPPF sets out that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Certain forms of development are not considered to be inappropriate development in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Of relevance to this case are paragraphs (b) engineering operations and (d) the re-use of buildings provided that the buildings are of permanent and substantial construction.
- 6.6 With this in mind, I am of the view that the re-use of the barn and its conversion to a single dwelling house, with no external extensions, the reuse of a converted oast, and new access roads would not result in any greater impact on openness. As such, I consider that this proposal is not inappropriate development in the Green Belt and thus does not require very special circumstances to be demonstrated.
- 6.7 With regard to proposals affecting heritage assets Paragraph 192 of the NPPF states:-
- “In determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness”.
- 6.8 Of relevance to this case is the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. It is proposed to use the Listed barn for a viable use consistent with its conservation so the proposal complies with this guidance.

6.9 Paragraphs 170 to 172 of the NPPF are applicable with regard to the AONB where the site is located. Of relevance is paragraph 172 which states that planning applications should include an assessment of

“a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated”

6.10 In this case it is not considered that the proposal detrimentally impacts on the environment and landscape of the AONB and is thus acceptable in principle.

6.11 With this in mind, the presumption in favour of sustainable development re-emerges to be applied, when considering the tests for its application as set out above.

Countryside issues and AONB:

6.12 Policy CP14 indicates that development in the countryside will be restricted to certain specified categories. Category (b) includes ‘conversion of an existing building for residential use’. The conversion of these two buildings to dwelling houses would also have regard to MDE DPD Policy DC1; this policy refers specifically to the conversion of rural buildings and requires that proposals for the reuse of existing rural buildings are of permanent and sound construction and capable of conversion without major or complete reconstruction, subject to several criteria being met. This includes the building and any alterations being in keeping with the character of the area, the proposed use being acceptable in terms of residential and rural amenity and highways impacts and provided that the use does not result in a negative impact upon protected species.

6.13 A structural survey has been submitted in support of the proposals and concludes that the building is sound and not in need of major reconstruction.

6.14 Policy CP7 of the adopted TMBCS requires that new development should not harm the natural beauty and quiet enjoyment of the AONB, including the landscape, biodiversity and wildlife. The Kent Downs Management Plan is a material consideration that should be taken into account when preparing Development Plans as well as determining planning applications: The Plan numbers farmed landscape as one of its special characteristics, as well as a ‘rich legacy of historic and cultural heritage’ which includes farmsteads. Historic settlements are one of the components of natural beauty in the AONB.

- 6.15 Kent Downs AONB Farmsteads Guidance published by the AONB Partnership is an advice note on how development should be managed in the AONB in relation to the historic farmsteads that form part of its natural beauty. The historic development of farmsteads, including the route ways and spaces within and around them, can be important to significance and is also relevant to the designation of this area as a conservation area.
- 6.16 The NPPF comments at paragraph 172 with regard to AONBs that consideration should be given to any detrimental effect on the environment, and the landscape of a proposal and the impact should be moderated.
- 6.17 Within the application the new access to Great Budds and the oast has been shown to follow an historic route and the existing farmstead layout will be retained. As such it is considered that the AONB is not adversely affected as a result of the proposed development.
- 6.18 Comments have been submitted regarding the possible light pollution from the converted barn but the addition of the additional windows and roof lights are not considered to significantly affect the character of the AONB and Green Belt.

Listed Buildings – designated heritage assets:

- 6.19 The works to the Listed Buildings will be subject to the proviso in section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that, in considering whether to grant listed building consent for any works, the local planning authority should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.20 Advice on the application has been obtained from the Council's retained Conservation Officers; they summarise the proposal as follows:-

"These applications propose the subdivision of the former Budd's farm, an historic farmstead in a loose courtyard arrangement with few alterations to the original form. The farm is located within the small Budds Green Conservation Area, which incorporates the former Budd's farm, and Little Budd's, a regular courtyard plan historic farm at the same crossroads. It is also located within the Kent Downs Area of Outstanding Natural Beauty. As an historic farmstead, all of these designations will have an impact on the management of change to the buildings and their setting.

The development would include conversion to residential of the grade II listed 18th century barn, which is listed under the name 'barn 30 yds to the north west of Great Budds'. Also proposed is the conversion of the 19th century, curtilage listed oast from ancillary accommodation to separate residential accommodation, and new access roads and landscaping. The listed building consent application refers only to the alterations to the oast and barn (s. 16 of the Planning (Listed Buildings

and Conservation Areas) Act 1990), and the planning application refers to the change of use and landscaping. For the latter, s. 66 of the Act applies, in relation to impact on listed buildings, and s.72, in relation to impact on the conservation area.

In general, I support this application to find a viable economic use for the listed barn in particular, which will ensure its future conservation. The Historic England best practice guidelines on 'Adapting Traditional Farm Buildings', updated this year, states that: 'without a regular stream of income to support their upkeep, most traditional farm buildings will not survive... In the majority of cases adaptation, or an appropriate use within a sympathetic development scheme, will be the only means of funding maintenance and repair.' Preference, having regard to the amount of alteration involved, is usually first to adapt to new agricultural or non-agricultural business accommodation. In this particular case, the barn is located very close to the main house and it is unlikely that the more intensive office use would be appropriate in terms of amenity. The conversion scheme is sensitively designed, after a full assessment of the significance of this building and its historic structure, and allows an appreciation of its original form with alterations kept to a minimum. The changes to the oast house also have little impact on its significance as an historic structure, particularly given that much of the internal layout is of modern construction."

6.21 Paragraphs 184 to 202 of the NPPF are of relevance with regard to heritage considerations and they will be addressed in detail with regard to this particular proposal.

Great Budds House:

6.22 No changes are proposed to the listed Great Budds House.

Oast barn:

6.23 The advice given from the Conservation Officer is:

"The oast barn and kilns date from the 19th century and have already been converted to ancillary domestic use. The proposed works mainly involve reconfiguration of the late 20th century changes, which were significant. Again, the proposed new windows will have less of a domestic appearance than the existing, and this is supported"

6.24 Therefore as only minor changes are proposed to the exterior of the former oast house, it is not considered that this part of the proposal would adversely affect either of the two listed buildings or their settings.

The barn:

6.25 The most significant listed buildings impact will be the works to the barn.

6.26 The advice given from the Conservation Officer is as follows:-

“The barn has had some alterations in the past and later extensions – much of the cladding is modern and the front (southwest) elevation has a somewhat domestic appearance from the additions. However, most of the historic frame is intact and in good condition. Externally, there is a significant amount of glazing proposed to the southwest elevation. However, because this is set back, faces the courtyard, replaces small scale domestic features and later infill, and in some ways better respects the scale of the midstrey cart opening than the existing, my view is that it is not harmful to the special character of the building.

A structural report has been submitted confirming that the barn is capable of conversion as proposed, which is with a separate internal frame to support the upper structure. The DAS demonstrates that the existing structure has been adequately surveyed and that the historic frame will, for the most part, not be altered. About four or five posts are to be removed, but I am satisfied that this is justified as part of the conversion and that the detailed work can be controlled by condition. Following a meeting on site, amended plans have been submitted to better express the northeastern midstrey elevation and to remove the pop out window, which may have been too domestic in appearance. A section of the sole plate which remains between midstrey and second bay is also now to be retained.

There is an area of brick flooring to be removed where the kitchen is proposed, but this is a later date and of lower significance. Internalised, former external weatherboarding in the proposed study/playroom area and sun lounge/library area is to be removed from under the mid rail, but kept above the mid rail. This allows retention of the historic weatherboarding, as the rest is modern.

In order to use the Victorian stables as a garage, it is proposed to remove the cladding in sections to create a car port, and add a simple canopy of contemporary appearance. Neither the frame or the cladding here is historic and therefore this is acceptable to me.

Finally, fenestration is kept simple with proposed dark stained frames to match the weatherboarding; this reduces the impact of the domestic conversion. Roof lights are kept to a minimum and are to be conservation roof lights. I would prefer the window and roof light arrangement to be less regular, in accordance with best practice for conversion of agricultural buildings in the AONB, but the proposal could not be considered harmful for this reason.

The details required in order to fully assess the impact of the repairs and conversion are not provided in completeness in the application documents, but I am satisfied by what has been submitted in terms of the assessment of significance and approach to respect this and therefore conditions are suggested below for the additional details, prior to works commencing”.

- 6.27 Paragraph 185 of the NPPF comments that LPAs should have a positive strategy for the conservation and enjoyment of the historic environment including heritage assets most at risk through neglect, decay and other threats. This particular barn is large, the cost of the upkeep is high, and the proposed development will provide the funds to enable the building's ongoing maintenance and repair to occur. The barn has been redundant for many years and, due to its proximity to Great Budds house, an alternative commercial use would be problematic in terms of residential amenity. It has been suggested by the PC and Historic England that the barn be continued to be used as an ancillary space for the occupants of Great Budds House – a gym, pottery or storage space has been suggested; however the Agents have clearly stated in their design and access statement that this is not a viable option due to the size and cost of the upkeep of the building. Finally, the buildings are not to be extended so the basis of the historic farmstead will remain.
- 6.28 Paragraph 192 (a) of the NPPF comments that the LA should take account of the desirability to sustain and enhance the significance of the heritage asset and out them to viable uses consistent with their conservation. It should also be made clear that there is not a duty on the LPA to come up with alternative uses for buildings. However, due to the position of the barn so close to the house and the fact that any commercial use would require car parking, I am of the view that the only sustainable conversion would be to a residential use.
- 6.29 Paragraph 195 of the NPPF comments that LPAs should ensure that the development will not lead to the loss of the heritage asset. In this case the proposals to the barn and the land are all reversible. No primary timbers are to be removed and the current feather edge weather boarding is all of the 20th century; the proposals ensure that the barn structure is preserved via a scheme that ensures the future maintenance and repair of the barn.
- 6.30 The barn has had some alterations in the past and later extensions; I have been advised by our Conservation Officer that much of the cladding is modern and the front (southwest) elevation has a somewhat domestic appearance from the additions, additionally most of the historic frame is intact and in good condition. Externally, it is not disputed that there is a significant amount of glazing proposed to the southwest elevation, but I have been advised that because this is set back, faces the courtyard, replaces small scale domestic features and later infill, and in some ways better respects the scale of the midstrey cart opening than the existing, it is considered that this is not harmful to the special character of the building.
- 6.31 The structural report that has been submitted confirms that the barn is capable of conversion as proposed, which is with a separate internal frame to support the upper structure. I have no reason to dispute the findings of this report. I have been advised by the Conservation Officer that the design and access statement demonstrates that the existing structure has been adequately surveyed and that the historic frame will, for the most part, not be altered. About four or five posts

are to be removed, but the Conservation Officer has advised that these are justified as part of the conversion and that the detailed work can be controlled by condition.

- 6.32 I have been advised that other works to enable the conversion such as the removal of the brick flooring, the internalised, former external weatherboarding in the proposed study/playroom area and sun lounge/library area, the cladding in sections to create a car port, and add a simple canopy of contemporary appearance are acceptable as they are not historic.
- 6.33 Comments have been made by Historic England to reduce the amount of fenestration either side of the threshing door. But I have been advised by the Conservation Officer that, as the fenestration is kept simple with proposed dark stained frames to match the weatherboarding, this reduces the impact of the domestic conversion and as such I do not consider that this alteration to the design is necessary.

Conservation Area/Landscape Character:

- 6.34 As the site lies within a Conservation area, the planning application is subject to the requirement in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that, in the exercise of planning functions, special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 6.35 Paragraph 200 of the NPPF states with regard to Conservation Areas LPAs should look for opportunities for new development within Conservation Areas and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 6.36 Paragraph 193 of the NPPF seeks to address the impact of the proposal on the heritage asset. The landscape character of the site is no longer agricultural with the courtyard clearly domestic in nature and the site has recreational installations such as a swimming pool and tennis court.
- 6.37 The advice given by the Conservation Officer on this aspect is as follows:-

“The Conservation Area boundary surrounds the two farmsteads, and, in my view, its designation confirms the importance of this set piece as part of the components of natural beauty of the AONB (paragraph 172 of the NPPF), essentially as a secondary designation. It also confirms the importance of the listed buildings as a group, and the settings relationship. Policy CP7 of the adopted Core Strategy requires that new development should not harm the natural beauty and quiet enjoyment of the AONB, including the landscape, biodiversity and wildlife. The Kent Downs Management Plan numbers farmed landscape as one of its special

characteristics, as well as a 'rich legacy of historic and cultural heritage' which includes farmsteads. Historic settlements are one of the components of natural beauty in the AONB.

Kent Downs AONB Farmsteads Guidance published by the AONB Partnership is also a helpful advice note on how development should be managed in the AONB in relation to the historic farmsteads that form part of its natural beauty. It would have been helpful to refer to this guidance in the application, particularly given the changes to access and the proposed landscaping, as it provides a framework for site assessment and understanding the farmstead character and its significance. The historic development of farmsteads, including the routeways and spaces within and around them, can be important to significance. This is also relevant to the designation of this area as a conservation area.

This is a loose courtyard plan form, which is the predominant plan type in the south east, and it survives almost intact – the Kent County Historic Environment Record records that it has retained more than 50% of its historic form.

Notwithstanding my comments regarding the lack of assessment of the significance of the farmstead, I have the following comments to make initially:

The landscape character of the immediate courtyard is clearly now as a domestic, more formal curtilage, with the historic farm buildings long out of agricultural use and forming a closer relationship with the main house as ancillary to the house and again being in close proximity within the domestic curtilage. In my view, therefore, the fairly subtle and natural, rural landscaping proposed for the boundary features is likely to sustain the significance of the conservation area and the listed buildings

There are some exceptions to this, and this includes the proposed close boarded fence, particularly that running between oast and Great Budds which would sever the historic curtilage of Great Budds. I would be concerned about the ability of the planting to mask it and the introduction of a hard, suburban boundary feature which would be alien to the rural location. The photomontage on page 16 of the DAS illustrates, in my view, how this would be harmful. I cannot therefore support this part of the application and suggest that alternatives (substantial planting with wire and/or post and rail fence between, for instance).

As with my comments above, in my view the separate access drives do not respect either the historic route to the house or the layout of the farm and could be very harmful to all heritage assets; the AONB, CA and the listed buildings. The intensification of vehicular movement would make itself present in different harmful ways, including the hard landscaping, the traffic movement in separate drives, the gates, the serpentine layout of the drives which is more appropriate to a grand country house than what is principally recognised as an historic farmstead. Whilst outside of my area of expertise, I would question whether the routes could also be disruptive to habitats, given the extent – it is not a sustainable footprint and not

fully justified. Therefore, for several reasons (historic farmstead layout, historic curtilage and appreciation of the main house, and natural landscape and how it is appreciated as a rural group of buildings) I cannot support this part of the application”

- 6.38 Following receipt of this advice further information was received concerning the farmstead, altering the boundary treatments and the access way route to address initial concerns from Conservation Officer. The officer then advised that the applications could be fully supported.
- 6.39 The detailed applications clearly demonstrate that the proposal preserves and enhances the character and appearance of the Budds Green Shipbourne Conservation Area. As the Great Budds site is such a key component of the conservation area, the changes do respect the two listed buildings and their setting and do not harm its overall character and appearance.
- 6.40 The comments raised by the impact of the proposal on any existing trees is addressed with conditions regarding landscaping, protection and retention of trees on the site.
- 6.41 With regard to the comments raised with regard to the subdivision of the site by fencing land outside of the residential curtilage of the Listed Building could be subdivided without the need for planning permission under Part 2 of the GDPO. Moreover Historic England has commented that the subdivision of the farmstead into three separate plots will cause a moderate level of harm to the Conservation Area but the use of more sympathetic boundary treatments would assist in minimising this harm. Kent Downs AONB unit has suggested that the boundary treatment should be either a 3 rail cleft chestnut post and rail fencing or an indigenous hedge. On this basis I consider that suitable boundary treatments can address this issue and thus I am adding a condition to this effect.

Access ways:

- 6.42 Paragraph 187 of the NPPF comments that the LPA should require the applicants to describe the significance of the heritage asset affected including any contributions made by their environment. In this case a detailed assessment of the access to the site has been submitted: This includes historic maps that show how the farmstead has evolved over a 124 year period. The maps showed that originally Mote House had a two entrances: one formal entrance from Mote Road and a secondary entrance to the courtyard. It is only the secondary entrance that remains today. It is intended to reinstate a vehicular access off Mote Road in the current proposal. The historic maps also show that that the site has been enclosed in different forms throughout the years. Historic England has commented that access to the oast should follow the perimeter of the site which, in my view, would be more damaging to the historic/character setting of the area, than that proposed.

Residential amenity:

6.43 As there are no neighbouring residential properties in close proximity and as the proposal is for the site to be entirely used for residential purposes, no adverse impact is anticipated in terms of residential amenity. The positioning of the newly created dwellings within the site is also such that amenities of future residents are protected.

Other matters:

6.44 The proposal would increase the intensity of use of the site and increase the numbers of associated vehicle movements. However, any increase is unlikely to be significant as only two additional dwellings would be formed: there are no objections to this proposal in terms of the safe and efficient operation of the local highway network.

6.45 Given the historic use of the site, it will be necessary to seek further information concerning contaminated land and whether any remediation is required by way of a planning condition.

6.46 A bat survey has been submitted to support this application by a Consultancy who have used The Kent Bat Group. The survey concludes that bats are present in the barn. The site is not located within a nationally or locally designated area, such as an SSI or SNCI. Due to the nature of the building and its setting, it is not unusual that bats use it. Bats are protected and a licence will be required from English Nature before works commence to ensure that their habitat is protected. Additionally a condition is attached to ensure that the mitigation works outlined in the report are undertaken.

6.47 With regard to the comments made concerning the Registered Byway that runs alongside the barn, KCC PROW has commented that the applicant should be made aware that no gates should be on a Restricted Byway and no vehicles should be parked in a way to obstruct legitimate users. An informative is suggested to address this issue.

6.48 Historic England has stated that if it can be shown that the harm caused by the proposal has been minimised and that the remaining harm is justified by securing the buildings optimum viable use and the requirements of the NPPF and the relevant legislation are met then the proposal can be considered acceptable subject to suitable conditions.

Conclusion:

6.49 Returning to the need to apply the presumption in favour of sustainable development, the scheme proposes new housing development within an existing site in accordance with the policies contained within the NPPF (and policy CP14 in

terms of the broad principles rather than the specific requirements for net gains) and therefore planning permission should be granted (paragraph 11d).

6.50 It is considered that this is a well thought out and sympathetic proposal that seeks to address the historic buildings and their setting. On this basis it is recommended that both the Planning and Listed Building application be approved subject to a number of safeguarding conditions.

Recommendation:

(A) TM/17/03471/FL

Grant planning permission in accordance with the following submitted details: Other Supplementary info dated 10.05.2018, Site Plan 003 P1 dated 10.05.2018, Proposed Floor Plans 020 P3 dated 10.05.2018, Proposed Floor Plans 021 P3 dated 10.05.2018, Proposed Floor Plans 022 P3 dated 10.05.2018, Proposed Roof Plan 023 P3 dated 10.05.2018, Proposed Elevations 024 P3 dated 10.05.2018, Proposed Elevations 025 P3 dated 10.05.2018, Proposed Elevations 026 P2 dated 10.05.2018, Sections 027 P3 dated 10.05.2018, Proposed Elevations 028 P3 dated 10.05.2018, Location Plan 16014-001 dated 19.12.2017, Existing Site Plan 16014-002 Rev P1 dated 19.12.2017, Existing Floor Plans 16014-010 REV P1 dated 19.12.2017, Existing Roof Plan 16014-011 Rev P1 dated 19.12.2017, Existing Elevations 16014-012 Rev P1 dated 19.12.2017, Existing Elevations 16014-013 Rev P1 dated 19.12.2017, Sections 16014-014 Rev P1 dated 19.12.2017, Existing Floor Plans 16014-016 Rev1 dated 19.12.2017, Existing Roof Plan 16014-017 Rev P1 dated 19.12.2017, Existing Elevations 16014-018 Rev P1 dated 19.12.2017, Existing Elevations 16014-019 Rev P1 dated 19.12.2017, Proposed Roof Plan 16014-029 Rev P1 dated 19.12.2017, Proposed Elevations 16014-030 Rev P1 dated 19.12.2017, Proposed Elevations 16014-031 Rev P1 dated 19.12.2017, Statement DAS Planning Heritage dated 19.12.2017, Report Structural dated 19.12.2017, Bat Survey KBG RECORDS dated 19.12.2017, Bat Survey EBS dated 19.12.2017, Drawing KBG ROOST MAP dated 19.12.2017, Other CCSI dated 19.12.2017, Other Title Page dated 19.12.2017, Email additional information dated 09.02.2018, in accordance with 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. Before any of the converted buildings are first occupied a scheme of landscaping and boundary treatment shall be submitted to and approved by the Local Planning Authority. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously

damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

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

3. The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:
 - (a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).
 - (b) No fires shall be lit within the spread of the branches of the trees.
 - (c) No materials or equipment shall be stored within the spread of the branches of the trees.
 - (d) Any damage to trees shall be made good with a coating of fungicidal sealant.
 - (e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.
 - (f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

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

- 4 (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.

- 5 The Bat Mitigation Strategy as outlined in the Bat Survey report received 19.12.2017, shall be implemented in strict accordance with the measures outlined with this report.

Reason: In accordance with the requirements of the National Planning Policy Framework and the Managing Development and the Environment DPD 2010.

Informatives:

1. The applicant should be made aware that no gates should be on a Restricted Byway next to the Listed Barn and no vehicles should be parked in a way to obstruct legitimate users.
2. The applicant is reminded that a European Protection Species Mitigation Licence is required before work commences on site.

Recommendation:

(B): TM/17/03472/LB:

Grant listed building consent in accordance with the following submitted details: Other Supplementary info dated 10.05.2018, Site Plan 003 P1 dated 10.05.2018, Proposed Floor Plans 020 P3 dated 10.05.2018, Proposed Floor Plans 021 P3 dated 10.05.2018, Proposed Floor Plans 022 P3 dated 10.05.2018, Proposed Roof Plan 023 P3 dated 10.05.2018, Proposed Elevations 024 P3 dated 10.05.2018, Proposed Elevations 025 P3 dated 10.05.2018, Proposed Elevations 026 P2 dated 10.05.2018, Sections 027 P3 dated 10.05.2018, Proposed Elevations 028 P3 dated 10.05.2018, Location Plan 16014-001 REV P1 dated 19.12.2017, Existing Site Plan 16014-002 REV P1 dated 19.12.2017, Existing Floor Plans 16014-010 REV P1 dated 19.12.2017, Roof Plan 16014-011 REV P1 dated 19.12.2017, Existing Elevations 16014-012 REV P1 dated 19.12.2017, Existing Elevations 16014-013 REV P1 dated 19.12.2017, Sections 16014-014 REV P1 dated 19.12.2017, Existing Floor Plans 16014-016 REV P1 dated 19.12.2017, Roof Plan 16014-017 REV P1 dated 19.12.2017, Existing Elevations 16014-018 REV P1 dated 19.12.2017, Existing Elevations 16014-019 REV P1 dated 19.12.2017, Proposed Roof Plan 16014-029 REV P1 dated 19.12.0207, Proposed Elevations 16014-030 REV P1 dated 19.12.0207, Proposed Elevations 16014-031 REV P1 dated 19.12.0207, Report CCSI - GREAT BUDDS HOUSE dated 19.12.0207, Report EBS (BARN AT GREAT BUDDS HOUSE TN119QD) dated 19.12.0207, Report KBG RECORDS - GREAT BUDDS HOUSE dated 19.12.0207, Drawing KBG ROOST MAP dated 19.12.2017, Design and Access Statement dated 19.12.2017, Structural Survey dated 19.12.2017, Other TITLE PAGE dated 19.12.2017, Email additional information dated 09.02.2018, subject to the following conditions:

Conditions:

1. The development and works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

Reason: In pursuance of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. New stainless steel flue(s) as shown on Plan 026 Rev P2 (rec 10/03/2018) and Plan 025 Rev P3 (rec 10/03/2018) shall be coloured matt black prior to the completion or first occupation, whichever is sooner, of the barn and thereafter retained.

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

3. Prior to the commencement of the development hereby approved, a scheme of external decoration including window, door and weatherboarding finishes shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall be completed within one month of the work being otherwise substantially completed and shall thereafter be so retained

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

4. Prior to the installation of any new windows and doors, full detail section and elevation drawings at 1:5 or 1:10 scale of all new joinery shall be submitted to and approved in writing by the local planning authority.

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

5. Notwithstanding the submitted drawings and all supporting documentation no development to the barn shall commence in respect of those matters referred to below until written schedules of work have been submitted to and approved in writing by the Local Planning Authority. Work schedules, which shall refer to the submitted Structural Report on Suitability of Barn for Conversion report dated May 2017, shall be produced for and include the following:

- a) Roofs: a full specification of works to roof coverings and timbers.
- b) Timber framing/floor construction: a full specification of all proposed works to existing timbers.
- c) Rear elevation of main barn: a full specification for the temporary support and repair.
- d) Brick and stone plinth: a full specification for repairs including details of any replacement bricks or stone, and lime mortar mix.
- e) Foundations: a full specification for any under pinning together with justification.

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

6. Notwithstanding the submitted drawings and all supporting documentation, prior to commencement of those areas of work to the barn referred to below, the following details shall be submitted to and approved in writing by the Local Planning Authority.
 - a) Full detail sections at a scale of 1:5 or 1:10 showing proposed eaves, roof plane and ridge details indicating the provision of eaves, roof plan and/or ridge level ventilation and provision of insulation.
 - b) Full detail sections and elevation drawing showing existing timber construction as affected by roof light installation, at a scale of 1:10 showing the installation of roof lights to be inserted, shown in situ with roof timbers. Roof light to be flush with the roof plane.
 - c) Full detail sections at a scale of 1:10 through all external walls which are proposed to be altered to better achieve insulation, weatherproofing or for other purposes.

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

7. No development to the barn shall commence until a sample section of weatherboarding has been made available on site and details of the weatherboarding, to include source/manufacturer, type of wood, profile, size, fixing method, colour and texture, have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be carried out in accordance with the approved details.

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

8. No development shall commence until samples of the proposed tiles have been made available on site and details of the tiles, to include source/manufacturer, fixing method, colour, tone, texture and size, have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be carried out in accordance with the approved details.

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

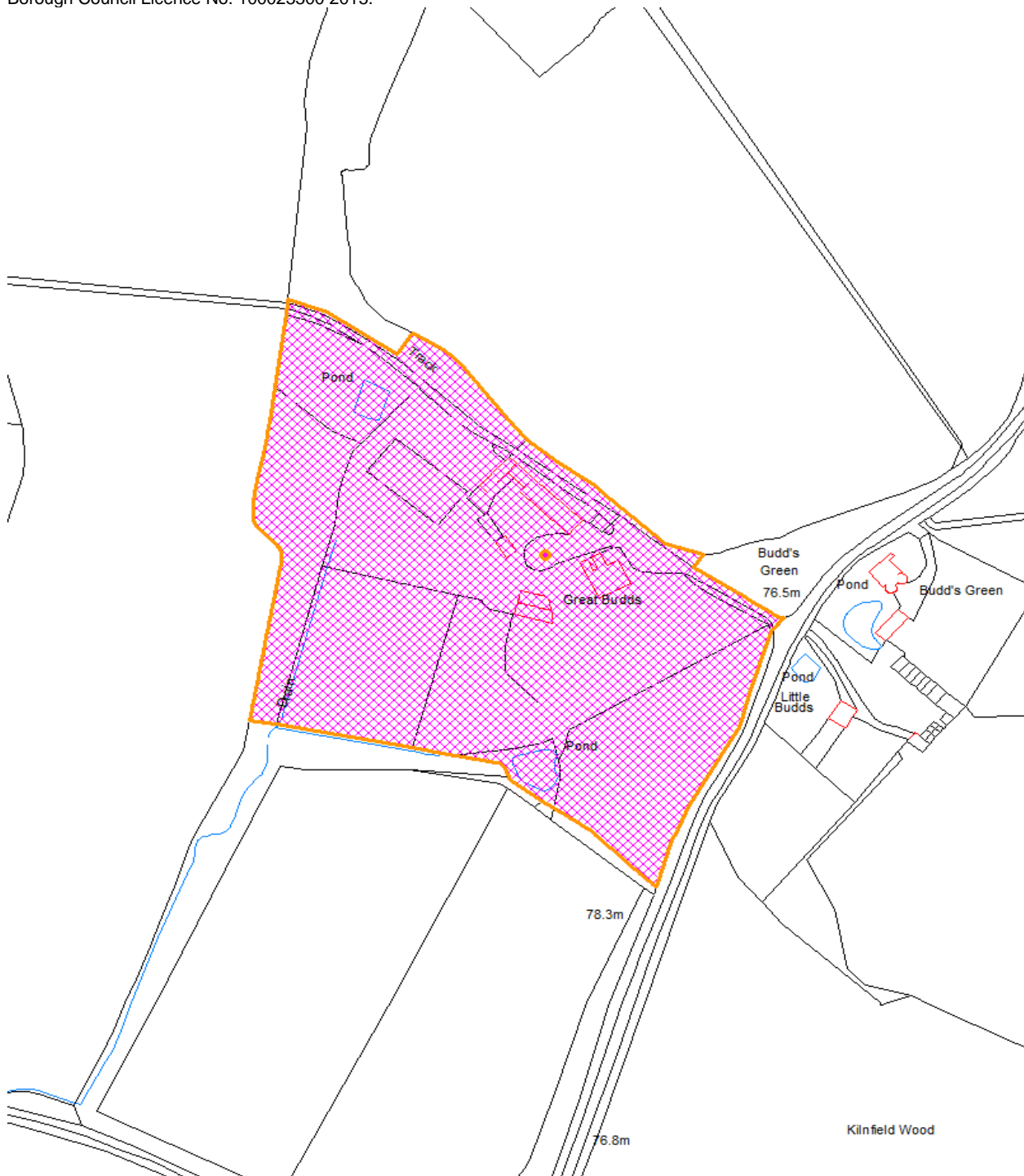
Contact: Rebecca Jarman

TM/17/03471/FL & TM/17/03472/LB

Great Budds House Mote Road Shipbourne Tonbridge Kent TN11 9QD

Sub-division of existing site containing one Grade II-listed dwelling, one Grade II-listed barn and one oast house into three self-contained plots with Grade II- listed barn and oast house converted into dwellings

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Trottscliffe
Downs And Mereworth

11 July 2018

TM/18/00357/OA

Proposal: Outline Application: Erection of a detached dwelling for an agricultural worker relating to the nursery business to replace the mobile home, with landscaping reserved

Location: The Nursery Taylors Lane Trottscliffe West Malling Kent

Go to: [Recommendation](#)

1. Description:

- 1.1 Members may recall that the APC2 resolved to grant planning permission on 8 November 2017 for permanent retention of a mobile home for an agricultural worker relating to the nursery business on the site under reference TM/16/01753/FL. This followed from a 3-year temporary permission for the same development granted at planning appeal under reference TM/12/00379/FL. The principle of an essential need for a permanent residential presence on the site has therefore been established.
- 1.2 The current application proposes to replace the static mobile home with a detached dwelling as permanent accommodation for an agricultural worker associated with the plant nursery. The application is for outline planning permission. Amendments were received on the 10 July 2018 providing more specific details of the dwelling proposed and now all matters have been submitted for approval except for landscaping which has been reserved. Due to the nature of the amendments received, the application was re-notified to neighbours and the Parish Council for a further two week period and a further site notice was placed near the site.
- 1.3 The new dwelling will be sited in a similar position on the site as the mobile home and will measure 15m wide x 6.6m deep, with an eaves height of 2.9m and ridge height of 6.6m. It is of a barn-style design with a dual pitched roof with quarter hips, with a half hipped gable entrance element. The floor plan layouts comprise a kitchen/dining room, lounge, entrance hall and 1 bedroom (with ensuite) at ground floor and 2 bedrooms with a bathroom at first floor within the roof space. The external materials comprise dark stained weatherboarding, grey slate roof and brown windows.
- 1.4 The layout of the site is the same as that approved under TM/16/01753/FL except for the depth of residential curtilage which is now shown to be 18m deep instead of 14.5m (3.5m increase).
- 1.5 The report to APC2 for the previous application under reference TM/16/01753/FL is provided as an annex to this report.

2. Reason for reporting to Committee:

2.1 At the request of Councillor Kemp due to the history of the site.

3. The Site:

- 3.1 The application site comprises a rectangular parcel of land located on the west side of Taylors Lane, adjacent to the settlement confines of Trottiscliffe. It is fully enclosed by a brown stained close-boarded fence set just inside established hedgerows which align the boundaries of the site. The vehicular access to the site is on Taylors Lane within the northern section of the frontage. Gates are provided well back from the frontage.
- 3.2 The northern part of the site comprises two polytunnels, with black sheeting covering the land around them with arrangements of potted plants. A timber clad agricultural building comprising a workshop/potting shed with office facilities is situated within the centre of the site. The driveway and area around the potting shed is surfaced in bonded gravel. A static mobile home is positioned to the west of the agricultural building with an associated domestic garden area. Two dog kennels and pens lie just to the south of the potting shed and static mobile home.
- 3.3 The site is situated within the Green Belt, countryside and the Kent Downs AONB. A groundwater source protection zone covers the southern part of the site. The Trottiscliffe Conservation Area lies to the southeast. Taylors Lane is a Classified Road.
- 3.4 Agricultural land lies to the north and west. A vacant parcel of land lies to the south between the application site and Millers Farm. The residential properties of Little Berries, The Cottage and 1-6 Taylors Lane are situated to the east.

4. Planning History (relevant):

TM/10/00473/FL Approved 15 June 2010

Replacement Agricultural Building comprising a workshop and office facilities; replacement of glasshouse with two polytunnels; parking and revised access

TM/10/02411/RD Approved 27 October 2010

Details submitted pursuant to condition 8 (lighting); 10 (a) & (b) (site investigation) and 11 (sewerage) of planning permission TM/10/00473/FL: Replacement agricultural building comprising a workshop and office facilities; replacement of glasshouse with two polytunnels; parking and revised access

TM/11/00658/FL Refuse 7 June 2011

Retrospective application for the retention of a residential caravan ancillary to the Nursery Business and retention of 2 No. dog kennels and pens

TM/12/00379/FL	Refuse Allowed on appeal	9 July 2012 9 April 2013
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Retrospective application for the retention of a static mobile home as temporary accommodation for an agricultural worker ancillary to a nursery business and retention of 2no. dog kennels and pens

TM/16/01753/FL	Approved	15 November 2017
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Permanent retention of a static mobile home as accommodation for an agricultural worker ancillary to the nursery business and retention of 2no. dog kennels and pens

TM/17/03396/RD	Approved	24 January 2018
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Details of conditions 7 (site investigation), 8 (remediation) and 9 (verification report) submitted pursuant to planning permission TM/16/01753/FL (Permanent retention of a static mobile home as accommodation for an agricultural worker ancillary to the nursery business and retention of 2no. dog kennels and pens)

5. Consultees:

5.1 PC: Objection. The concerns raised are summarised as follows:

- The size of the dwelling is not suitable for the small nursery business
- There is not a viable business operating on the site.
- No very special circumstances to justify a case to replace a mobile home in the Green Belt on the edge of the village envelope
- How is the land to be reinstated if the nursery use ceases.

5.2 Private Reps: neighbour letters + site notice + press notice 1/0X/1R/0S. The concerns raised have been summarised below:

- There is no recourse to remove a permanent building compared to a mobile home
- The size of the dwelling does not reflect the size of the site and business

6. Determining Issues:

6.1 The main issues are whether the size, scale and appearance of the new dwelling would result in any additional harm to the openness of the Green Belt, and any other harm from the proposal, that would outweigh the very special circumstances already established in respect to essential need for a residential presence on the site. The effect of the new dwelling on the character of the area and visual amenity of the locality will also be considered. The scheme also needs to be assessed in light of the newly introduced Revised NPPF.

Principle considerations:

- 6.2 The report to the committee under planning reference TM/16/01753/FL on 8 November 2017 provided a robust analysis that concluded there was an essential need for the plant nursery business to have a worker living on the site permanently to provide appropriate care and monitoring of the plant stock. This position was supported by Kernon Countryside Consultants Ltd (a specialist agricultural, equine and rural planning consultancy) who provided supplementary information on behalf of the applicant, the Council's retained specialist rural consultant (Richard Lloyd Hughes), and by Dominic Hall, who is a reputable horticultural adviser commissioned by the Council.
- 6.3 This current application was submitted on 13 February 2018, which is only 3 months after the previous application was determined, and after inspecting the site recently it is not considered that the activities on the site vary in any noticeable way to that at the time of the last application.
- 6.4 Therefore, the view remains that there is an essential need for a rural worker to live permanently at the site and that this remains consistent with paragraph 79 of the revised NPPF (previously paragraph 55). It is important to note that this policy relates to new homes in the countryside and therefore there is no distinction as to whether this is a mobile home or a new dwelling. As such, a new dwelling to replace the previously approved permanent stationing of a mobile home would be acceptable.
- 6.5 As with the recent extant permission, it would be necessary to restrict the occupation of the dwelling to a person who is a rural worker (and their family) relating to the nursery business on the site (or to a person employed in agriculture or forestry in the locality).
- 6.6 Although the extant permission requires the mobile home to be removed and residential use to cease in the event that the nursery no longer has an essential requirement for permanent on-site presence, there is no policy preventing a permanent building being erected to house a rural worker where there is an essential need.
- 6.7 In relation to concerns from the Parish Council and a local neighbour, in the event that the nursery business ceased to operate in the future, the conditions any planning permission granted would continue to apply.

Green Belt considerations:

- 6.8 The application site is in the Green Belt where Policy CP3 of the TMBCS advises that National Green Belt policy will apply (Section 13 of the NPPF).

- 6.9 Paragraph 143 of the NPPF states that *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”*
- 6.10 Paragraph 144 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. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*
- 6.11 The Planning Inspector in granting the temporary planning permission in 2013 advised that if an essential need for a rural worker were to be established then very special circumstances would exist that would outweigh the harm of the development’s inappropriateness in the Green Belt.
- 6.12 It is noted that this related to a mobile home being situation on the site and not a new dwelling. However, the new dwelling would not be substantial in its size and scale and, although it would be larger than the mobile home for which it replaces, would be adequately commensurate to the scale of the nursery business and the smaller workshop buildings on the site. The dwelling would, therefore, not result in any substantial additional harm to openness that would weigh against the development in terms of the very special circumstances that have previously been shown exist.

Character and Visual Amenity/Setting of Conservation Area:

- 6.13 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.
- 6.14 Paragraph 127 of the NPPF also seeks to ensure that development will function well and add to the quality of the area, be sympathetic to local character, establish or maintain a strong sense of place and create attractive and safe places in which to live, work and visit.
- 6.15 Section 72 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* requires planning authorities to give special attention to the desirability of preserving or enhancing the character or appearance of the CA.
- 6.16 The proposed dwelling to replace the mobile home is considered to be of a size and scale that is appropriately commensurate with the size and functional requirement of the business and would not appear unusually large in the context of the other buildings on the site (workshop and shed). The building is of a barn-like design with dark stained horizontal weatherboarding and slate roof tiles which would complement the existing workshop and shed. It would also be well

separated from the Conservation Area that lies adjacent to the site to the east. The dwelling would also not be readily visible from public vantage points in light of its size and scale and the hedged boundaries.

- 6.17 The proposal would therefore not harm the appearance or character of the site or its setting with the adjacent Conservation Area and therefore accords with Policies CP24 of the TMBCS and SQ1 of the MDE DPD and with Section 12 (Achieving well-designed places). Regard has also been had to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.18 The site is within an AONB where paragraph 172 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs (as well as National Parks and the Broads) which have the highest status of protection in relation to these issues. The scale and extent of development within these designated areas should be limited. In this case, I do not consider the size, scale and appearance of the proposed dwelling would adversely affecting the natural beauty of the AONB.

Technical considerations:

- 6.19 In respect to land contamination, trial pit data was submitted as part of an investigation of the land under application TM/17/03396/RD. It was considered that only Trial Pit 8 was relevant to the garden area approved and that this showed there was no made ground in that area and therefore no further investigation was required. It is noted that the garden area proposed has been enlarged slightly (3.5m to the west); however this would not alter the conclusion made under TM/17/03396/RD. The development therefore accords with paragraph 178 of the NPPF.
- 6.20 Foul water is to be connected to the mains sewer which runs along Taylors Lane. A condition can be added to confirm this requirement.

Planning balance and conclusions:

- 6.21 It is considered that there remains an essential need for a worker to live permanently on the site to operate the nursery business and, although the new dwelling to replace the permanent static mobile home would result in a physical change to the residential unit on the site and some level of additional harm on openness, this would not be significant. It is also concluded that the size, scale, design and appearance of the dwelling is commensurate to the nursery business on the site and would not harm the character of the site or the setting with the Conservation Area. As a consequence, very special circumstances exist in this case.
- 6.22 Accordingly, it is recommended that permission be granted for a new dwelling to replace the existing permanent mobile home on the site for the purposes of

accommodation for an agricultural worker relating to the nursery business, subject to conditions.

7. Recommendation:

7.1 Grant planning permission in accordance with the following submitted details:

This was approved in accordance with the following submitted details: Site Layout 1786/19 A dated 10.07.2018, Proposed Floor Plans 1129/2 A dated 10.07.2018, Proposed Floor Plans 1129/3 A dated 10.07.2018, Proposed Elevations 1129/1 B dated 10.07.2018, Other Amended Application Form dated 11.07.2018, Location Plan 1786/1 A dated 13.02.2018, Site Layout 1786/18A Rev 04/11 dated 13.02.2018, Other Kernon Countryside Supplementary Info dated 13.02.2018,

Conditions / Reasons

- 1 Approval of details of the landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority.

Reason: No such approval has been given.

- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

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

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

- 4 No development above ground level shall take place until a plan showing the proposed finished floor, eaves and ridge levels of the dwelling in relation to the existing ground levels of the site and adjoining land has been submitted to and approved by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

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

- 5 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 Class A, B, D or E of Part 1 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 character of the area or visual amenity of the locality.

- 6 The area shown on the submitted layout as vehicle parking space shall be 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 or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

- 7 The occupation of the dwelling hereby approved shall be limited to a person solely or mainly employed in the associated Nursery business or a dependant of such a person residing with him or her, or a widow or widower of such a person.

Reason: The site of the dwelling is outside any area in which development would normally be permitted if it were not required for occupation by a person employed locally in agriculture.

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

Reason: To safeguard neighbouring residential amenity and the visual amenity of the locality.

- 9 Foul water shall be disposed of directly to the mains sewer, unless agreed in writing by the Local Planning Authority for any variation.

Reason: To prevent pollution of groundwater.

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. On

Saturday 08:00 to 13:00 hours, with no work on Sundays or Public or Bank Holidays.

- 3 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.

Contact: Mark Fewster

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Report from 8 November 2017

Trottiscliffe**3 June 2016****TM/16/01753/FL**

Downs And Mereworth

Proposal: Permanent retention of a static mobile home as accommodation for an agricultural worker ancillary to the nursery business and retention of 2no. dog kennels and pens

Location: The Nursery Taylors Lane Trottiscliffe West Malling Kent

Applicant: Mrs P Valler

Go to: [Recommendation](#)

1. Description:

- 1.1 The original application (TM/12/00379/FL) for the siting of a static mobile home for a horticultural/agricultural worker on the site and the erection of dog pens and kennels was granted a temporary planning permission for a period of 3 years at appeal by the Planning Inspectorate in April 2013.
- 1.2 The current application proposes the permanent retention of the existing static mobile home for accommodation for an agricultural worker associated with the horticultural use of the site (plant nursery). It also includes retention of the ancillary development previously approved.
- 1.3 Determination of this application was deferred by APC2 back in April 2017 to allow officers to request the submission of detailed evidence setting out the different species grown on site presently, along with evidence that explains the proportion of turnover for each species, to account for any differences in type of species since the Inspector viewed the operations in 2013, and a technical explanation as to how the different species are cared for on a daily basis. This was all required in order to establish whether, given the type/hardiness of the species being grown, there is a genuine requirement for a continued on- site residential presence.
- 1.4 Since then, supplementary supporting information prepared by Kernon Countryside Consultants Limited has been submitted by the applicant.
- 1.5 The applicant originally also submitted correspondence from 4 businesses in Ightham, West Kingsdown and Meopham, which includes garden centres located in these areas, confirming that they have purchased plants from the applicant.
- 1.6 A Design, Access and Planning Statement, Supporting Statement, Business Accounts for 2012-2015 along with the original submitted Essential Needs Appraisal and Business Plan have been submitted with the application.
- 1.7 Since April and following the receipt of the additional information submitted on behalf of the applicant, specialist advice has been sought to assist officers in making their recommendations to the committee. This advice, along with the supporting evidence provided by the applicant, is discussed in detail within the

assessment that follows. The advice obtained (pre and post the April deferral) is annexed to this report in full for completeness of information.

- 1.8 The report that follows represents an entirely new report setting out a detailed assessment of the case.

2. Reason for reporting to Committee:

- 2.1 At the request of Councillor Kemp due to the history of the site and inappropriateness in the Green Belt.

3. The Site:

- 3.1 The application site comprises a rectangular parcel of land located on the west side of Taylors Lane, adjacent to the settlement confines of Trottiscliffe. It is fully enclosed by a brown stained close-boarded fence set just inside established hedgerows which align the boundaries of the site. The vehicular access to the site is on Taylors Lane within the northern section of the frontage. Gates are provided well back from the frontage.
- 3.2 The northern part of the site comprises two polytunnels, with black sheeting covering the land around them with arrangements of potted plants. A timber clad agricultural building comprising a workshop/potting shed with office facilities is situated within the centre of the site. The driveway and area around the potting shed is surfaced in bonded gravel. A static mobile home is positioned to the west of the agricultural building with an associated domestic garden area. Two dog kennels and pens lie just to the south of the potting shed and static mobile home.
- 3.3 The site is situated within the countryside, MGB and Kent Downs AONB. A groundwater source protection zone covers the southern part of the site. The Trottiscliffe Conservation Area lies to the southeast. Taylors Lane is a Classified Road.
- 3.4 Agricultural land lies to the north and west. A vacant parcel of land lies to the south between the application site and Millers Farm. The residential properties of Little Berries, The Cottage and 1-6 Taylors Lane are situated to the east.

4. Planning History (relevant):

TM/10/00473/FL Approved 15 June 2010

Replacement Agricultural Building comprising a workshop and office facilities; replacement of glasshouse with two polytunnels; parking and revised access

TM/10/02411/RD Approved 27 October 2010

Details submitted pursuant to condition 8 (lighting); 10 (a) & (b) (site investigation) and 11 (sewerage) of planning permission TM/10/00473/FL: Replacement agricultural building comprising a workshop and office facilities;

replacement of glasshouse with two polytunnels; parking and revised access

TM/11/00658/FL Refuse 7 June 2011

Retrospective application for the retention of a residential caravan ancillary to the Nursery Business and retention of 2 No. dog kennels and pens

TM/12/00379/FL Refuse 9 July 2012
 Allowed on appeal 9 April 2013

Retrospective application for the retention of a static mobile home as temporary accommodation for an agricultural worker ancillary to a nursery business and retention of 2no. dog kennels and pens

5. Consultees:

5.1 PC: Objection. The concerns raised are summarised as follows:

- The Inspector commented that 'it should not be assumed that a permanent dwelling will be permitted after 3 years and that much will depend on any progress towards viability and the need for an on-site presence'.
- The applicant has not submitted any evidence that a viable business is in operation at the site.
- Local knowledge informs us that vehicle movements in and out of the site are minimal which also suggests that a viable business is not in operation.

5.2 Private Reps: 1+ site notice + press notice 2/0X/2R/0S. The concerns raised have been summarised below:

- There is little traffic to and from the site
- Virtually no business is being conducted on the site
- It is questioned whether there is a viable business being operated

6. Determining Issues:

6.1 The main issue is whether there continues to be an essential need for the applicant to live on the horticultural/plant nursery site, which would justify permanent retention of the existing static mobile home.

Principle considerations:

6.2 In the appeal decision for the 3 year temporary permission under planning reference TM/12/00379/FL, the Planning Inspector concluded that:

- After having regard to the functional and financial aspects of the former PPS7 tests there is an essential need for a mobile home for a rural worker at the appeal site

- The scope to install technology to allow remote living had been explored and attempts to find suitable rental accommodation had been made
- No practical alternative to the proposed mobile home had been established
- Significant weight was given to specialist written evidence from Council's retained agricultural consultant
- The NPPF generally opposes isolated new houses in the countryside but the Government also supports the sustainable growth and expansion of all types of business in rural areas and that the appellant should be allowed time to 'make a go of it' which would be in line with this policy approach.

6.3 Since this appeal decision, in the High Court decision in *Embleton Parish Council & Anor, R (on the application of) v Gaston*, December 06, 2013, [2013] EWHC 3631 (Admin) Judge Behrens concluded that in respect to paragraph 55 of the NPPF, the *"test simply requires a judgement of whether the proposed agricultural enterprise has an essential need for a worker to be there or near there"* and that it does not require that the proposal is economically viable.

6.4 The judgment makes clear that the relevant guidance for applications of this nature was contained in PPS7 prior to 27 March 2012 and paragraph 55 of the NPPF thereafter. Whereas under Annex A (paragraph 12(iii)) of PPS7 the applicant had to provide clear evidence that the proposed enterprise has been planned on a sound financial basis, this is no longer the case. Paragraph 55 of the NPPF requires that LPAs should avoid new isolated homes in the countryside unless there are special circumstances such as:

- "the essential need for a rural worker to live permanently at or near their place of work in the countryside"

6.5 Thus the guidance in paragraph 55 of the NPPF is significantly less onerous than in PPS7. It is the requirements set out in paragraph 55 that must form the basis of the assessment of this application.

6.6 In effect, this means that a planning judgement needs to be made as to whether an essential need for the permanent retention of the residential use in connection with the business remains. This is the sole test to be applied in this instance. It was on this basis that further information was sought from the applicant and specialist advice sought subsequently on behalf of the Council. This is discussed in detail below.

6.7 In support of the claim that an essential need exists in accordance with the paragraph 55 requirements, the applicant has submitted supplementary information (June 2017) prepared by Kernon Countryside Consultants Ltd, a specialist agricultural, equine and rural planning consultancy. It advises that plant species grown at the nursery during 2016 include hedge plants (laurel and

leylandii), ornamental shrubs (standard fuchsias), perennials (various) and winter and summer bedding plants. These plant species are considered to be consistent with those outlined in the Essential Needs Appraisal (March 2011) that formed part of the original proposal and that this generally reflects the stock viewed on the site during my inspection in September 2017.

- 6.8 The supplementary information by Kernon provides a detailed breakdown of the rearing of the hedge plants, shrubs, perennials and bedding plants from cutting/seeding to repotting to point of sale. It advises that although the hedge plants become hardy, when they are young they are vulnerable to the cold, heat-stress, waterlogging, mould and drying. The ornamental and flowering plants have diverse needs and require varied propagation techniques. It was noted that the care for these young plants is carried out by hand and is labour-intensive. All plants must be kept warm in winter, and where necessary, be covered by polythene and carefully monitored to prevent mould. Plants that are hardening up outside may need to be moved quickly in the event of heavy rainfall which can damage stocks. Polytunnel power failure, frosts, snowfall and other adverse weather conditions would affect the supply of plants for sale and therefore affect the business. It is therefore considered by those advising the applicant to be essential that a skilled worker continues to live on site to identify and deal with situations that arise.
- 6.9 The Council's retained specialist rural consultant (Richard Lloyd Hughes) has reviewed the application details, including the information described above, and was asked expressly to advise on matters of essential need. It was advised that there is no reason to doubt that the nature of production on the site continues broadly along the same lines as before and that the exact mix of plants grown can vary year to year depending on market demands. Also, that the functional reasons for requiring accommodation on-site outlined in the supporting document produced by Kernon Countryside Consultants Ltd are supported. In addition to this, it was advised that a presence on the site would assist to deter theft or vandalism that could seriously affect production.
- 6.10 Specific horticultural advice has also been obtained by the Council from a reputable horticultural adviser (Dominic Hall). The advice is summarised as follows (but again is annexed in full for completeness of information):
- The initial phase of propagation (cutting or seeds) requires a high level of manual labour and immediate aftercare to ensure the young stock is adequately watered and sheltered
 - Permanent staff presence is able to instantly deal with sudden market changes in terms of labour to begin propagation

- Storm damage and power loss (to heating, lighting and irrigation systems) could ruin young stock which are extremely vulnerable to sudden environmental changes
- Pest and diseases which usually relate to unpredictable weather conditions can ruin plants quickly and therefore stock needs constant monitoring
- Hedge plantings require regular inspection but rarely urgent attention unless problems arise; herbaceous plants require a higher level of monitoring than hedging with correct watering being critical in summer; seasonal/annuals require a high level of labour needing contact care and monitoring and are the most susceptible to pests and disease
- Irrigation systems require monitoring for leaks and pump failure which can occur at any time at the height of summer which could ruin stock
- The nursery trade is especially vulnerable to stock theft due to their rural location where intruders are less likely to be spotted and polytunnels are easy to access/cut open

6.11 The specialist advice obtained by the Council therefore concludes that the nursery trade needs highly flexible labour input, flexibility in coping with the unpredictable weather and vigilance in the monitoring of stock in care and therefore being on-site permanently means a higher level of monitoring, response and higher quality of stock at the point of sale.

6.12 From the advice provided by the applicant's agricultural consultant and from the Council's retained rural consultant and horticultural adviser it can be concluded that the plant species being grown on the site are generally in line with those previously described and that there is consensus that there is an essential need for the plant nursery business to have a worker living on the site permanently to provide appropriate care and monitoring of the plant stock. It is therefore my judgement that an essential need, as required by paragraph 55 of the NPPF does exist in this instance. With this in mind, I consider that it would be necessary to restrict the occupation of the mobile home to the nursery business, given that the justification for its retention rests solely with the essential need for on-site presence. It would equally be necessary to impose a condition requiring that the residential use cease and the static home and all associated development be removed in the event that the nursery ceases to operate.

Green Belt considerations:

6.13 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 NNPPF).

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- 6.14 Paragraph 87 of the NPPF states 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.*”
- 6.15 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*”.
- 6.16 Paragraph 89 of the NPPF advises that the construction of new buildings should be regarded as inappropriate in the Green Belt. Although a number of exceptions are specified, none of these are considered to be applicable to the proposed development. The proposal would therefore be *inappropriate development* in the Green Belt and would need to be justified by ‘very special circumstances’.
- 6.17 The Planning Inspector in granting the temporary planning permission in 2013 advised that if an essential need for a rural worker were to be established then very special circumstances would exist that would outweigh the harm of the development’s inappropriateness in the Green Belt.
- 6.18 Given the conclusions drawn above concerning essential need and the requirements of paragraph 55, I can conclude that such very special circumstances do exist.

Impact on setting of Conservation Area:

- 6.19 Section 72 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* requires planning authorities to give special attention to the desirability of preserving or enhancing the character or appearance of the CA.
- 6.20 The National Planning Policy Guidance also requires an assessment of whether substantial harm is caused to the significance of the Heritage Asset (Paragraphs 132 and 133 of the NPPF).
- 6.21 The Planning Inspector in allowing the appeal in 2013 concluded that there would be no adverse impact on the setting of the Trottiscliffe Conservation Area and its character and appearance due to the modest size of the mobile home and its location. The on-site conditions of the development have not changed to any noticeable degree. The current application does not propose any changes to the existing static home on site or to any of the other development in situ. I am therefore satisfied that the retention of this development on a permanent basis would not cause demonstrable harm to the character and appearance of the area or the setting of the adjacent Conservation Area. It therefore accords with Policies CP24 of the TMBCS and SQ1 of the MDE DPD and with Section 7 (Requiring good design) and paragraphs 129 and 131 (Heritage Assets) of the

NPPF. Regard has also been had to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Technical considerations:

- 6.22 In respect to land contamination, a desk study and intrusive investigation were submitted with the Reserved Details application (TM/10/02411/RD) relating to the 2010 permission for the replacement agricultural building (TM/10/00473/FL). Although this was based on a continued agricultural use, made ground was found across the site that included plastic, metal, wood and brick, which presented elevated levels of lead and hydrocarbons. The report also mentions that the site has historically been used for vehicle maintenance and re-spraying. As it is proposed to retain the mobile home permanently, it is considered necessary to ensure the residential garden land is decontaminated and suitable for permanent residential use. Conditions can be imposed requiring a site investigation and remediation of the land where required. With the imposition of these conditions, the development would accord with paragraphs 120-121 of the NPPF.
- 6.23 The applicant has confirmed that foul water for the mobile home and workshop/potting shed are connected to the mains sewer which runs along Taylors Lane. A condition can be added to confirm this requirement.

Planning balance and conclusions:

- 6.24 In light of the above, I consider that it has been adequately demonstrated that the existing plant nursery has an essential need for a worker to live permanently on the site and that this justifies the retention of the static mobile home and associated development that is in situ in accordance with the requirements of paragraph 55 of the NPPF.
- 6.25 It is noted that the NPPG is clear in advising that:
- “It will rarely be justifiable to grant a second temporary permission – further permissions should normally be granted permanently or refused if there is clear justification for doing so.”*
- 6.26 In light of my preceding assessment, I do not consider that it would be necessary or reasonably justified to seek to recommend a further temporary planning permission in these circumstances, particularly in light of the above guidance.
- 6.27 Accordingly, it is recommended that permission be granted for the permanent retention of the static mobile home on the site for accommodation for an agricultural worker relating to the nursery business, subject to conditions.

7. Recommendation:

- 7.1 **Grant planning permission** in accordance with the following submitted details:

Email received 31.01.2017, Supporting Statement received 13.10.2016, Email received 14.12.2016, Supporting Information Correspondence from businesses received 14.12.2016, Other ACCOUNTS received 03.06.2016, Letter received 14.06.2017, Supporting Information KERNON CONSTRYSIDE CONSULTANTS received 14.06.2017, Planning, Design And Access Statement received 03.06.2016, Site Plan 1786/18A Rev 04/11 received 03.06.2016, Location Plan 1786/1 received 03.06.2016, Appraisal ESSENTIAL NEEDS received 03.06.2016, Other BUSINESS PLAN received 03.06.2016, Letter received 03.06.2016, subject to the following conditions:

Conditions:

- 1 The occupation of the static mobile home shall be limited to a person solely or mainly employed in the associated Nursery business or a dependant of such a person residing with him or her, or a widow or widower of such a person.

Reason: The occupation of the static mobile home by persons not associated with Nursery business would result in a separation of functions and expansion of movements and paraphernalia that could harm the openness of the Green Belt and character and visual amenity of the rural area.

- 2 The residential use hereby permitted shall cease within 1 month of the date that the horticultural enterprise at The Nursery ceases to trade and any caravan, structures, materials and equipment brought on to, or erected on the land, or works undertaken to it in connection with the residential use (including the dog pens and kennels) shall be removed and the land restored to its condition before the development took place in accordance with a scheme previously submitted to and approved in writing by the local planning authority.

Reason: To preserve the openness of the Green Belt and ensure that the character and visual amenity of the rural locality is not significantly harmed.

- 3 No replacement static mobile home shall be stationed on the site before details of its size and appearance have been submitted to and approved by the Local Planning Authority. The replacement static mobile home shall accord with the approved details.

Reason: To preserve the openness of the Green Belt and ensure that the character and visual amenity of the rural locality is not significantly harmed.

- 4 The static mobile home shall only be stationed in the position shown on Drawing No.1786/18A Rev 04/11 hereby approved and no more than one caravan, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site at any time.

Reason: To preserve the openness of the Green Belt and ensure that the character and visual amenity of the rural locality is not significantly harmed.

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- 5 Details of any external lighting within the areas indicated as tarmac finish, mobile home, shed and playhouse on Drawing No. 1786/18A Rev 04/11 shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The works shall be carried out in accordance with the approved details.

Reason: To protect the visual amenity of the locality.

- 6 Foul water shall be disposed of directly to the mains sewer, unless agreed in writing by the Local Planning Authority for any variation.

Reason: To prevent pollution of groundwater.

- 7 Within 2 months of the date of this decision, the following shall be submitted to the Local Planning Authority for approval:

(a) based on the findings of the desktop study from 2010 submitted under planning reference TM/10/02411/RD, proposals for a site investigation scheme of the residential part of the 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).

- 8 Within 2 months of the approval of the site investigation under condition 7 above, the following shall be submitted to the Local Planning Authority for approval:

a) results of the site investigations (including any necessary intrusive investigations) and a risk assessment for the private garden area associated with the static mobile home, 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) the relevant approved remediation scheme shall be carried out in accordance with the approved timetable of works. 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).

- 9 Within 2 weeks following completion of the approved remediation, 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).

- 10 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

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

Informatives

- 1 The proposed development is within a road which does not have formal street numbering and, the new property will require a new name(s), which is required to be approved by the Borough Council, and post codes. To discuss suitable house names 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. You are advised to do this as soon as possible.

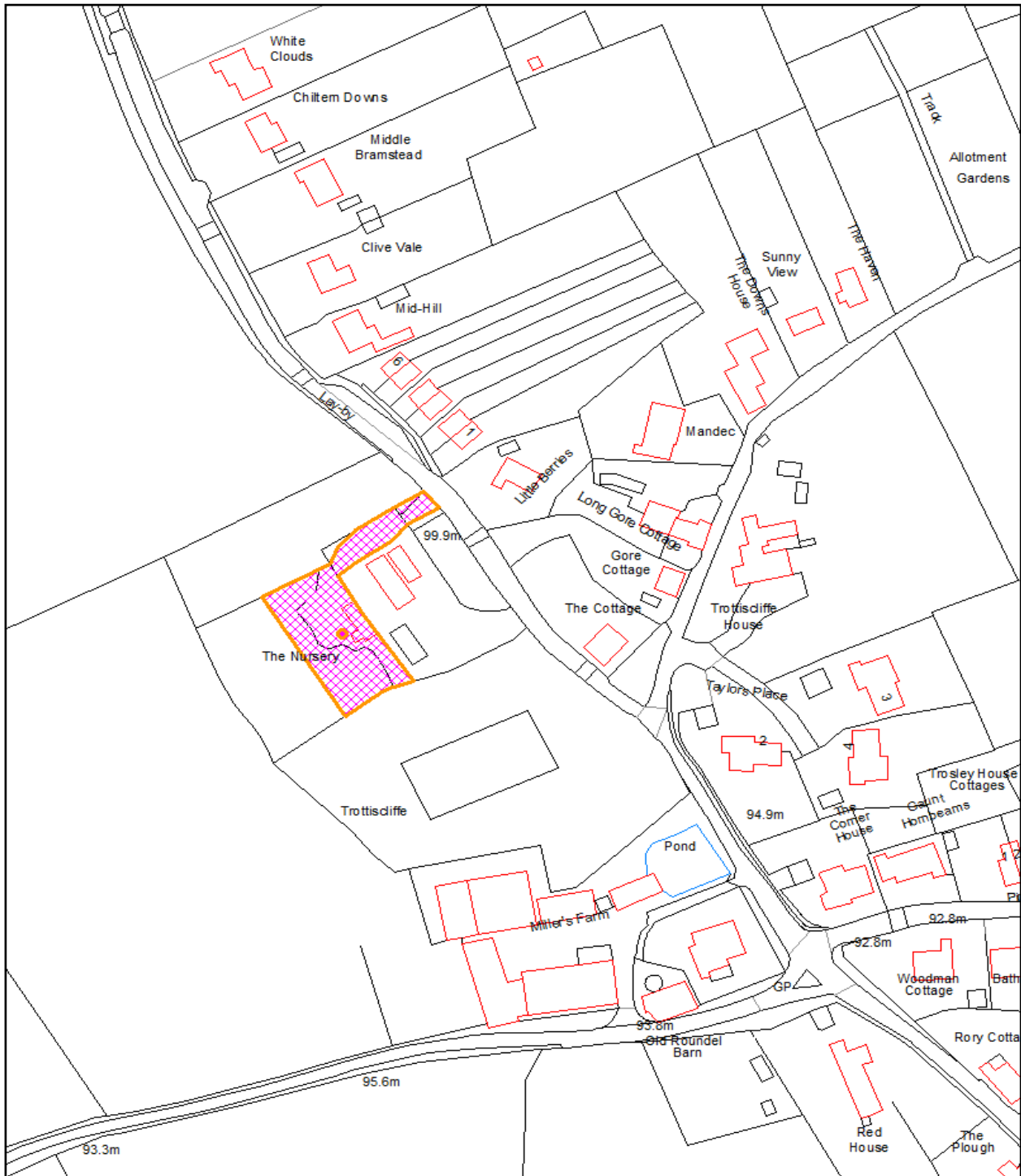
Contact: Mark Fewster

TM/18/00357/OA

The Nursery Taylors Lane Trottiscliffe West Malling Kent

Outline Application: Erection of a detached dwelling for an agricultural worker relating to the nursery business to replace the mobile home, with landscaping reserved

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Agenda Item 8

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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