

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

Julie Beilby BSc (Hons) MBA

Gibson Building
Gibson Drive
Kings Hill, West Malling
Kent ME19 4LZ
West Malling (01732) 844522

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

Contact: Committee Services
committee.services@tmbc.gov.uk

30 October 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, 7th November, 2018 commencing at 7.30 pm. Deposited plans will be available for Members' inspection for half an hour before the start of the meeting.

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

PART 1 - PUBLIC

1. Apologies for Absence
2. Declarations of Interest

3. Minutes 5 - 6

To confirm as a correct record the Minutes of the meeting of Area 2 Planning Committee held on 26 September 2018

Decisions to be taken by the Committee

4. Development Control 7 - 10
Introduction and Glossary
5. (A) TM/17/03471FL & (B) TM/17/03472/LB - Great Budds House, Mote Road, Shipbourne 11 - 40
6. TM/18/01755/FL - 61 Offham Road, West Malling 41 - 52
7. (A) TM/17/02705/FL & (B) TM/18/01172/LB - Butchers Cottage, Stumble Hill, Shipbourne 53 - 66
8. TM/18/01840/FL - School Lane Cottage, School Lane, Shipbourne 67 - 76
9. TM/18/00357/OA - The Nursery, Taylors Lane, Trottiscliffe 77 - 96
10. Urgent Items

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

Matters for consideration in Private

11. Exclusion of Press and Public 97 - 98

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

Matters submitted for Information

12. TM/18/00357/OA - The Nursery, Taylors Lane, Trottiscliffe 99 - 104

Reason: LGA 1972 - Sch 12A Paragraph 5 – information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

13. 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, 26th September, 2018

Present: Cllr B J Luker (Vice-Chairman - in the Chair), Cllr Mrs J A Anderson, Cllr M A C Balfour, Cllr Mrs S M Barker, Cllr R P Betts, 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 and Cllr M Taylor

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

Apologies for absence were received from Councillors Mrs F A Kemp (Chairman), M A Coffin and T B Shaw

PART 1 - PUBLIC

AP2 18/35 DECLARATIONS OF INTEREST

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

AP2 18/36 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 15 August 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 18/37 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 18/38 (A) TM/17/03471/FL AND (B) TM/17/03472/LB - GREAT BUDDS HOUSE, GREAT MOTE ROAD, SHIPBOURNE

(A) Sub-division of existing site containing 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, and (B) Listed Building Application: Sub-division of existing site containing 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 at Great Budds House, Mote Road, Shipbourne.

RESOLVED: That the application be DEFERRED for a Members' site inspection.

[Speakers: Councillor Tyler (Shipbourne Parish Council); Ms J Bate (on behalf of Mr D Prichard), Mr G Krygier and Mr A Bristow – members of the public; Mr M Miles (Applicant) and Mr N Edwards (Architect)]

AP2 18/39 TM/18/00357/OA - THE NURSERY, TAYLORS LANE, TROTTISCLIFFE

Outline Application: Erection of a detached dwelling for an agricultural worker relating to the nursery business to replace the mobile home, with landscaping reserved at The Nursery, Taylors Lane, Trottiscliffe.

RESOLVED: That the application be DEFERRED for a report from Legal Services on the risks arising from refusal of the application on the grounds of viability and harm to the Green Belt.

[Speakers: Mr R Wallis, Trottiscliffe Parish Council]

AP2 18/40 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.50 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

AREA PLANNING COMMITTEES

Report of the Director of Planning, Housing & Environmental Health

Part I – Public

Section A – For Decision

DEVELOPMENT CONTROL

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

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

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

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

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 The application was deferred from APC2 on 26 September 2018 in order for Members to undertake a site inspection to assess the specific and particular characteristics of the site. The Members' Site Inspection is scheduled to take place on 6th November 2018.
- 1.2 A copy of my September report is annexed for ease of information.

2. Consultees (since 26 September):

- 2.1 Private Reps: A further letter (with photographs) has been received from a nearby resident commenting that an application allowed in 2012 resulted in the Restricted Byway on the site being illegally blocked.

3. Determining Issues:

- 3.1 Any further issues concerning the proposed development beyond those discussed in my September report arising from the Members' Site Inspection will be reported as supplementary information.
- 3.2 The further comments raised in the additional representation received concerning the blocking off the Byway were addressed in the previous Committee Report of 26 September.

4. Recommendation:

(A) TM/17/03471/FL

- 4.1 **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, subject to the following conditions:

Conditions:

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

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

2. 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.

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

4.2 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

Report from 26 September 2018

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 rear conservatory	Approved	18 June 2007
	Grant With Conditions	
TM/01/00383/LB		
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.

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- 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.

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- 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

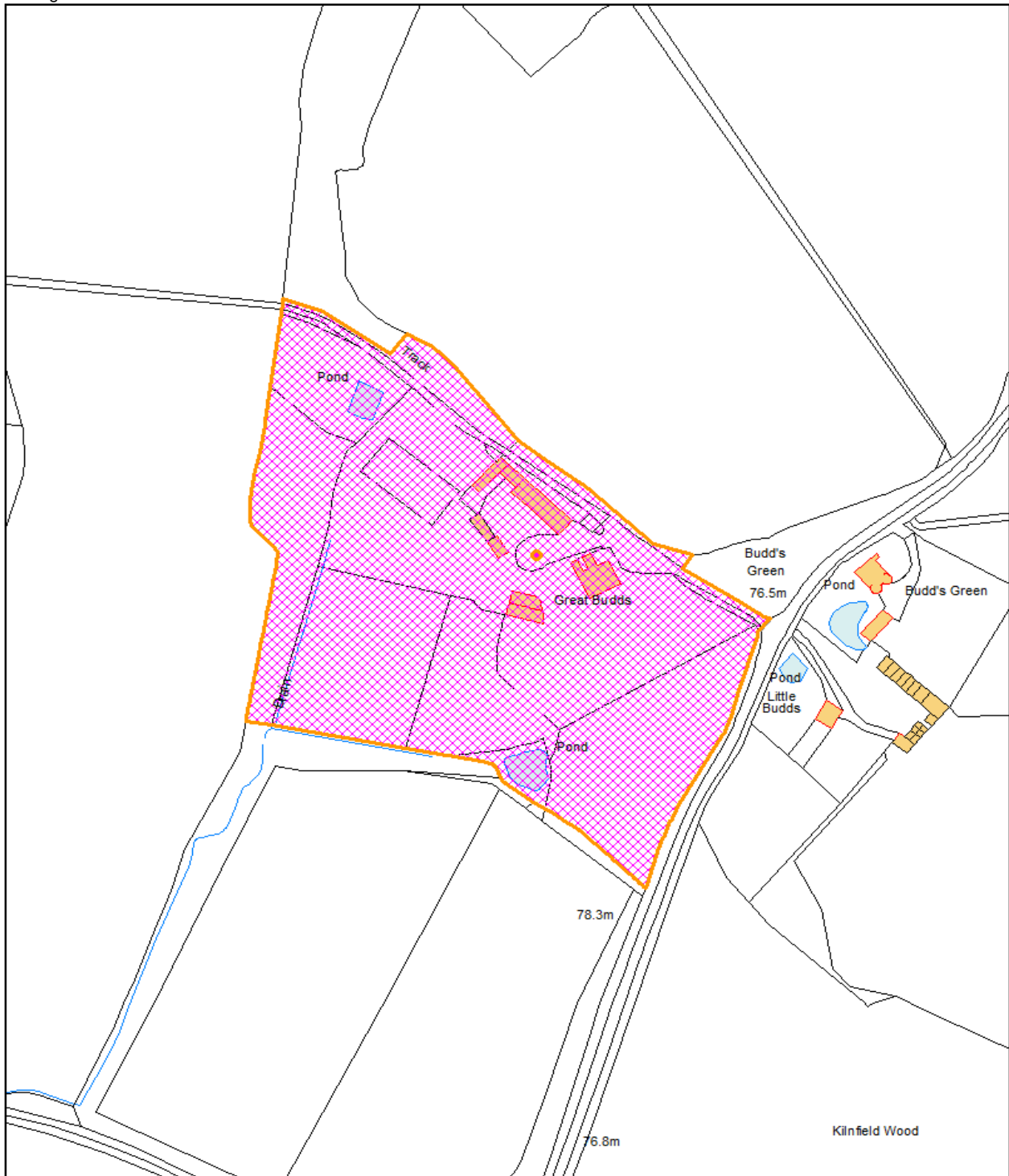
Contact: Rebecca Jarman

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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West Malling
West Malling And
Leybourne

24 July 2018

TM/18/01755/FL

Proposal: Erection of a detached 2 storey dwelling to the rear of 61
Offham Road
Location: 61 Offham Road West Malling Kent ME19 6RB
Go to: [Recommendation](#)

1. Description:

1.1 Planning permission is sought for the subdivision of the existing residential curtilage and construction of a new detached dwelling. Access to the new dwelling is proposed via the existing access, which serves the host dwelling and the existing detached dwelling to the rear. The proposed dwelling is two storey and has been designed to reflect the gabled dwellings on the north side of Offham Road. The scheme proposes two vehicle parking spaces to serve the existing dwelling, and two vehicle parking spaces to serve the proposed dwelling.

2. Reason for reporting to Committee:

2.1 At the request of Cllr Luker and Cllr Shrubsole owing to concerns regarding access, parking provision, design, siting and orientation.

3. The Site:

3.1 The site lies within the confines of West Malling and within a designated Conservation Area. The dwellings to the north west of the site comprise semi-detached dwellings. The dwellings immediately to the west and south of the site comprise Victorian terraced dwellings. Two detached dwellings set in large plots are sited to the east.

3.2 The site is level and accessed via a private driveway which serves the host dwelling and the detached dwelling to the rear. The site is bounded by close boarded fence and is laid to grass with a number of fruit trees.

4. Planning History (relevant):

TM/89/10902/FUL grant with conditions 10 October 1989

Two storey rear extension.

TM/10/03283/FL Approved 26 January 2011

Single storey and two storey rear extensions; infill front porch; render to dwelling; and associated alterations

TM/17/00070/TNCA

No Objection

13 February 2017

T1 - T7 Lime trees to raise lower crown by approx 6m, removing epicormic growth and reducing the crown by 20%

5. Consultees:

5.1 PC: Object, overdevelopment of a previously developed site, loss of green space, concern about access and egress onto what is already a busy and congested road, the strong objections of neighbours are noted.

5.2 KCC (H&T): No objection subject to planning conditions

5.3 KFRS: Insufficient details to show access arrangements (amended details received 08.10.18)

5.4 KCC (Heritage): Recommend a watching brief

5.5 Private Reps: 26 + site + press notice/0X/22R/0S. Objections raised on the following grounds:

- The access road has insufficient vision splays, the access road is very small and unsuitable
- Unwelcome additional traffic onto Offham Road especially as 12 new dwellings have been allocated in the draft local plan
- Overdevelopment of green field site in a CA. The proposed dwelling would be cramped and too close to the site boundaries
- Scale, bulk and height of the dwelling is inappropriate, out of character in a CA, not sympathetic in design
- Loss of privacy, overlooking, loss of seclusion
- Noise and disturbance from additional vehicle movements
- Loss of parking to existing dwelling. Parking problems already on Offham Road
- Trees are to be removed, loss of wildlife
- Reflect on local property values
- Insufficient detail to validate application
- If granted, permitted development right should be removed to prevent further extension owing to the proximity of the site boundaries

- No surface water sewer is available
- Block the views of the existing dwellings, particularly of the wider CA and church
- Backland development which could set a precedent
- The amended details do not alter the original objections in terms of undesirable backland development which will result in a cramped layout and will result in overlooking, loss of privacy, be visually intrusive and detrimental to the character of the CA.

6. Determining Issues:

- 6.1 The application seeks to erect a new dwelling within the confines of the existing settlement. As Members will be aware TMBC cannot presently demonstrate a five year supply of housing. Whilst this will be addressed through the local plan, it has clear implications for decision making in the present. Members will also be aware that a new version of the NPPF was published in July of this year. Overall, 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. 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.
- 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 NPPF as a whole and thus ultimately the acceptability of the scheme for determination.
- 6.3 In all respects, the NPPF seeks to maximise opportunities for the supply of housing in appropriate locations that can contribute towards supply and maintain and enhance the vitality of existing communities. Policy CP12 of the TMBCS states that (inter alia) housing development will be permitted within the confines of rural service centres including West Malling. The concentration of new housing within identified and established settlement confines such as this therefore accords with both local and national policy.
- 6.4 Moreover, it should be recognised that the new version of the NPPF now overtly sets out that where there is an existing shortage of land for meeting identified housing needs (i.e. where an LPA cannot demonstrate an up to date five year supply) it is especially important that planning decisions avoid homes being built at low densities and ensure that development makes optimal use of the potential of

each site (paragraph 122). It goes on to state that applications should be refused where it is considered that proposals fail to make efficient use of land.

- 6.5 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 seeking to protect designated heritage assets (in this case the Conservation Area). It is therefore necessary to establish firstly whether the scheme accords with restrictive policies in this respect before establishing whether the presumption applies.

Impact on designated heritage assets:

- 6.6 As noted above the site lies within a CA, with St Mary's Church to the south east of the site. It is therefore necessary to pay special attention to the desirability of preserving or enhancing the character or appearance of this area – particularly the views in and out of the CA, in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). Regard must also be paid to paragraph 192 of the Framework which requires local planning authorities, in determining planning applications, to take account of the need to sustain and enhance the significance of heritage assets and understand the positive contribution they make, and recognise the need for new development to make a positive contribution to local character and distinctiveness.
- 6.7 The site is located to the rear of the host dwelling and therefore the proposed dwelling will have no direct visual relationship with the street scene. Whilst the appearance of the CA would change by virtue of introducing additional built form and through subdivision of the plot, this is highly localised and would cause no overt harm to the character or appearance of the CA at this point.
- 6.8 I am aware that St Marys Church lies to the south east of the application site, but owing to the considerable separation distance and absence of any direct visual relationship the site does not fall within the setting of this listed building and therefore there would be no impact arising in this respect.
- 6.9 The proposal also proposes the creation of two vehicle parking spaces to the rear of the host dwelling. The spaces would be visible from the street scene and therefore have a potential impact on the CA. The parking spaces are to be created immediately to the front of the host dwelling, enabling an area of garden to be retained which will provide a visual buffer and sufficiently ensure there would be no harmful visual impact on the wider CA.
- 6.10 Consequently the proposal meets the relevant restrictive policies in the NPPF that seek to protect designated heritage assets and therefore the presumption in favour of sustainable development re-emerges to be applied, when considering the tests for its application as set out above.

6.11 With this having been established, it is necessary to consider whether the specific detail of the scheme is acceptable. In this respect, policies CP24 of the TMBCS and SQ1 of the MDE DPD require development to be well designed and through its scale, density, layout, siting, character and appearance respect the site and its surroundings. It should also protect, conserve and where possible enhance the character and local distinctiveness of the area, including its setting in relation to the pattern of the settlement, roads and surrounding landscape. These policies reflect the requirements of relating to high quality development when read as a whole. These are the key policies for consideration in the assessment that follows.

Visual amenity:

6.12 Policies CP24 of the TMBCS and SQ1 of the MDE DPD require development to be well designed and through its scale, density, layout, siting, character and appearance respect the site and its surroundings. Development should also protect, conserve and where possible enhance the character and local distinctiveness of the area, including its setting in relation to the pattern of the settlement, roads and surrounding landscape.

6.13 The proposal seeks to subdivide the existing residential plot. The site lies within an area of mixed character. The dwellings immediately to the south of the site comprise Victorian terraced dwellings in narrow plots. The dwellings to the north west comprise semi-detached dwellings of attractive gabled appearance, and the host and dwellings to the east comprise large detached dwellings set in regular plots. The application site, being a long plot with a larger square area to the rear, lends itself to subdivision to mirror the shape of the sites to the east. Consequently the subdivision will have no unacceptable impact on the prevailing pattern of built development in the locality.

6.14 The proposed dwelling has been designed to mirror the style of the semi-detached dwellings on the north west side of Offham Road. The dwelling has been designed with steeply pitched gables and finial details.

6.15 The proposed dwelling has been designed with two storeys. The host dwelling and dwelling immediately to the east are two storey dwellings, and therefore the introduction of a similar structure is appropriate to the wider setting of the site. The site is of adequate size to accommodate the dwelling whilst leaving space to provide onsite parking, refuse storage and garden space.

6.16 The site contains a number of fruit trees which will need to be removed to accommodate the works. The trees offer little amenity value due to their small size and position within the site. The trees cannot be seen from the public domain and on this basis their removal is acceptable. However the proposal seeks to retain the three mature trees at the site boundaries and this is to be welcomed and can be adequately secured by condition.

Residential amenity:

- 6.17 The proposed dwelling has been designed to minimise its impact on the residential amenity of the host and adjacent dwelling. No first floor windows are proposed to the east and west elevations, save a bathroom window to the east elevation which is to be obscure glazed. This can be ensured by planning condition. A planning condition restricting the insertion of any additional first floor windows is also recommended and this will ensure no loss of privacy to the adjacent neighbouring dwellings. First floor windows serving bedrooms are proposed to the north and south elevations. However the separation distance between the proposed dwelling and the dwellings to the south is over 21m, and the staggered relationship between the proposed dwelling and the existing dwellings to the north west will ensure no unacceptable impact on the residential amenity of the adjacent dwellings in terms of privacy.
- 6.18 Similarly, the proposed dwelling has been designed in a cross shape to concentrate the bulk of the structure in the centre of the site. This has sufficiently mitigated the impact of the proposed dwelling on the outlook and setting of the immediate neighbouring dwelling to the east.
- 6.19 It is acknowledged that the use of the existing access driveway would increase if it were to serve an additional dwelling. This would have a potential impact on the residential amenity of the existing users, particularly the host dwelling. However the minimal increase in vehicle movement associated with a single additional dwelling would not generate sufficient harm to warrant a refusal of planning permission on this basis.

Highway safety and parking provision:

- 6.20 The scheme proposes to widen the existing access driveway and provide two off street parking spaces to serve the new dwelling, and two to serve the host dwelling. The provision of 2 parking spaces for each unit meets the standards set out within IGN3 and is acceptable.
- 6.21 The proposal seeks to remove the existing side extension to the host dwelling to increase the width of the access driveway. The increased width of the driveway would be 3.7m, increasing to 4.8m in front of the host dwelling. The increase in width has been designed to meet the standards required to provide access for emergency vehicles. I am aware of the concerns of local residents regarding the narrowness of the existing access, however KCC H+T raise no objection stating that there are no grounds on which a highway/transport reason for refusal could be sustained when considering the specific test of severity set out in the NPPF.

Archaeology:

6.22 The site lies within an area of archaeological potential associated with Early Prehistoric remains. In addition, owing to the location of the site, there is further potential for medieval archaeological remains. It is therefore necessary to attach a planning condition which requires a watching brief to be undertaken should any features of archaeological interest be discovered.

Conclusions:

6.23 In light of the above, I consider that the proposed development accords with the relevant provisions of the development plan and meets the requirements of the NPPF. As a result I recommend that, subject to the imposition of conditions, planning permission be granted.

7. Recommendation:

7.1 **Grant planning permission** in accordance with the following submitted details: Design and Access Statement dated 24.07.2018, Location Plan dated 24.07.2018, Location Plan Showing access dated 24.07.2018, Site Plan P010 C dated 24.07.2018, Proposed Floor Plans P020 C dated 24.07.2018, Proposed Elevations P030 C dated 24.07.2018, subject to the following conditions,

Conditions

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

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

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

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

3. No above ground development shall take place until details of slab levels have been submitted to and agreed in writing by the Local Planning Authority. The details to include a scaled drawing showing the proposed dwelling in relation to the existing dwellings to the east and west. The works shall be carried out in strict accordance with those details.

Reason: To ensure the scale of the development is compatible with the character of the site and its surroundings.

4. No above ground development shall commence until full siting and elevational details of the bin store have been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

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

5. Prior to the first occupation of the dwelling hereby permitted a scheme of landscaping and boundary treatment shall be submitted to and approved by the Local Planning Authority. The scheme shall include the retention of the trees as shown on the plan referenced HH.KENNY.01PP received 8 October 2018. 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.

6. The dwellinghouse hereby permitted shall not be occupied until the area shown on the submitted plan referenced HH.KENNY.01PP received 8 October 2018 as vehicle parking and turning areas to serve both the existing and proposed dwellings has been provided, surfaced and drained. The areas shall be constructed of porous materials or provision made to direct surface water run-off from the hard surface to a permeable or porous area or surface within the site. Thereafter the areas 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 1995 (or any order amending, revoking and re-enacting that Order), shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved turning area.

7.
 - a) If during development work, significant deposits or indicators of potential contamination are discovered, the work shall cease until an investigation/remediation strategy has been agreed in writing 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 on site 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 any other relevant issues and responses such as any pollution incident during the development.

Reason: To prevent unacceptable risks from pollution.

8. If during construction works items or features of archaeological and historic importance are discovered, all development shall cease. It will then be necessary for the applicant, or their agents or successors in title, to secure the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be submitted to Local Planning Authority immediately on discovery of any historic item or feature.

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

9. The window on the first floor of the east elevation serving a bathroom shall be fitted with obscure glass and, apart from any top-hung light shall be non-opening. This work shall be effected before the room is occupied and shall be retained thereafter.

Reason: In the interests of the residential amenity and privacy of adjoining property.

10. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed at the first floor level of the building other than as hereby approved.

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

Informatives

1. The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited 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. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
2. The applicant is encouraged to ensure that all vehicles and machinery associated with construction are parked within the site and not on the public highway in such a manner as to create an obstruction.
3. The disposal of waste by incineration is contrary to Waste Management Legislation and could lead to justified complaints from local residents. It is thus recommended that no bonfires are lit at the site.
4. The applicant is encouraged to ensure that the hours of construction, including deliveries, are restricted to Monday to Friday 07.30 - 18.30 hours, Saturday

08.00 - 13.00 with no work undertaken on Sundays or Public/Bank Holidays.

5. Tonbridge and Malling Borough Council operate a two wheeled bin and green box recycling refuse collection service from the boundary of the property. Bins/boxes should be stored within the boundary of the property and placed at the nearest point to the public highway on the relevant collection day.

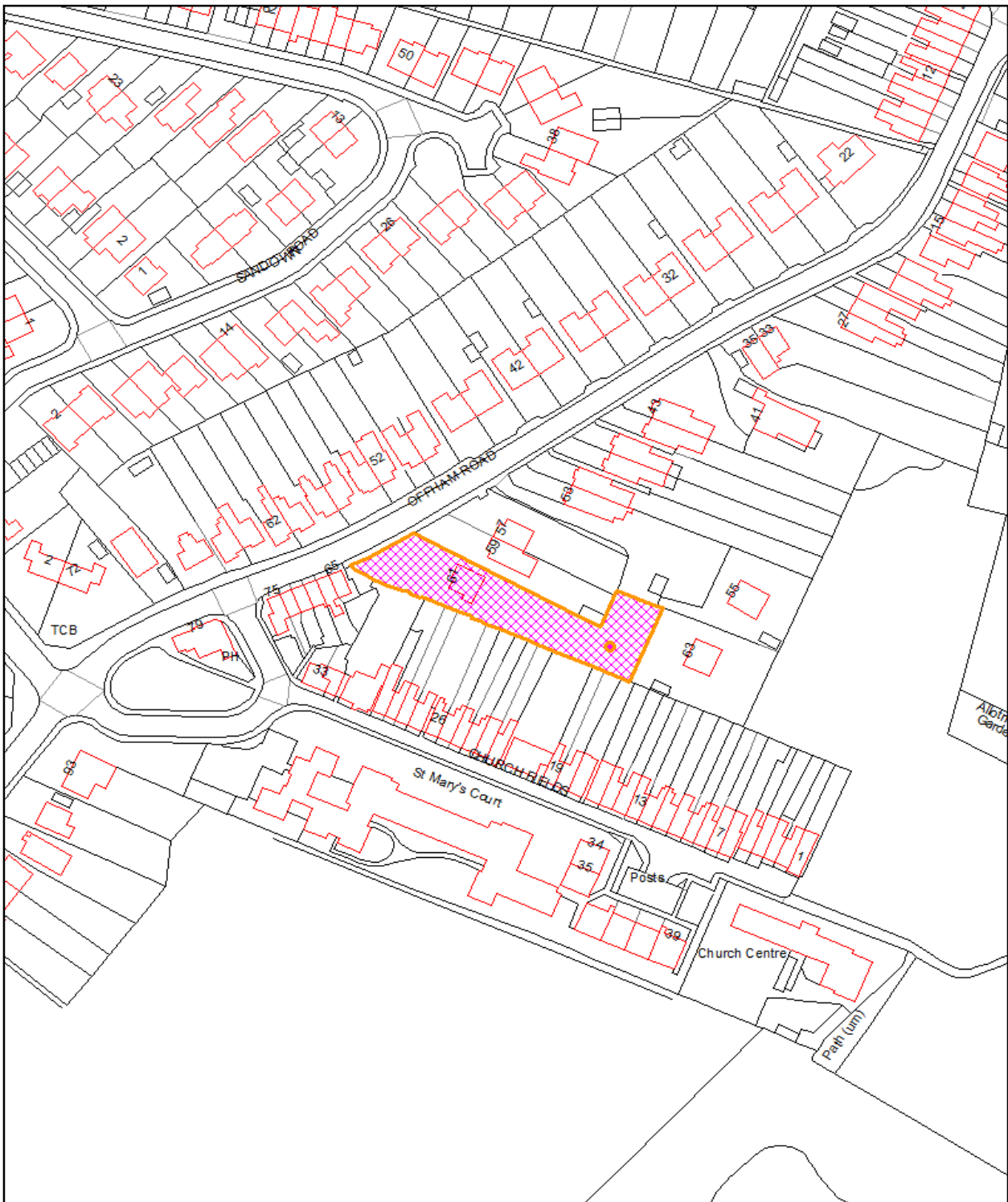
Contact: Maria Brown

TM/18/01755/FL

61 Offham Road West Malling Kent ME19 6RB

Erection of a detached 2 storey dwelling to the rear of 61 Offham Road

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Shipbourne
Borough Green And Long Mill

28 September 2017

(A) TM/17/02705/FL
(B) TM/18/01172/LB

Proposal: (A) Demolition of existing low brick side boundary wall and provision of a new hard surfaced parking area in front garden with new picket fencing. Existing parking area to be returned to domestic garden and front boundary picket fence to be reinstated
(B) Listed Building Application: Demolition of existing low brick side boundary wall and provision of new picket fencing to facilitate new parking area in front garden

Location: Butchers Cottage Stumble Hill Shipbourne Tonbridge Kent
TN11 9PE

Go to: [Recommendation](#)

1. Description

- 1.1 Planning permission is sought for the formation of a new parking area, in pea shingle, to dimensions of 6m by 6m, on the south side of the frontage, with access onto the drive on that side. This would replace an existing parking area of 5m wide by 10m deep on the north side. A new access would be made in the southern boundary.
- 1.2 The existing boundary treatment, consisting of a low brick wall topped by picket fencing, would be demolished and replaced by picket fencing alone. The existing open section would be fenced in this way and the new parking area would be similarly enclosed on the garden side.
- 1.3 The applicant has explained that these alterations to the parking and access arrangements are proposed in case of a change in the current informal arrangement whereby occupiers of Butchers Cottage are allowed vehicular access over the private drive of the adjacent property Shipbourne House.
- 1.4 Although the property has a recently constructed garage to the rear, the applicant advises that there is a need to replace the existing open parking area, to continue to provide additional on-site parking space as the household runs several cars and there is limited off-site space available in the vicinity.
- 1.5 The property is a dwellinghouse, which would normally benefit from permitted development rights for a range of minor works, but its listed status means that the proposed changes to the wall/fence need a planning application.
- 1.6 Listed building consent is also required for the works to the wall and fence and the second application seeks this consent.

- 1.7 When the two applications were originally submitted, the proposal was to retain and alter the existing brick wall topped with picket fencing but it has been amended to provide for picket fencing alone as the boundary treatment.

2. Reason for reporting to Committee

- 2.1 At the request of Councillor Taylor in order to discuss the impact on the Green Belt, Conservation Area, AONB and listed buildings.

3. The Site

- 3.1 Butchers Cottage is a detached dwelling, dating from the 17th Century and listed within Grade II of the Statutory List of Buildings of Architectural or Historic Merit. It stands on a plot off the west side of Stumble Hill, just to the south of the junction with Upper Green Road. The plot adjoins a private access drive which serves several dwellings to the south and west. Fronting the plot is another private access drive which serves Shipbourne House to the north and runs to the rear (west) of a grassed area. Vehicular access to the property is currently via this latter drive, leading to a parking area on the north side of the plot frontage which is accessed through an opening in the boundary wall/fence.

- 3.2 The boundary treatment comprises several courses of red bricks with a paling fence above, to a height of just over 1m.

- 3.3 The site lies within the Countryside, the Metropolitan Green Belt and the Kent Downs Area of Outstanding Natural Beauty, as well as the Shipbourne Conservation Area. Several nearby properties are also listed. The large open area of Shipbourne Common lies opposite, off the east side of Stumble Hill.

- 3.4 The Historic England List Entry Summary includes the following details:

C17 cottage. East return front to road. South front. Red and grey brick ground floor, tile-hung first floor. Plain tiled roof, half-hipped to left, hipped to right, with ridge stack to left. Two storeys, 3 bays, casements. Lower 2-storey addition to left. One-storey lean-to addition to right producing catslide on east side. Porch to right of east extension and 2-storey hipped-roofed extension to north behind. Included as a good example of modest domestic building of traditional regional type.

4. Relevant Planning History

TM/68/10673/OLD Grant with conditions 2 October 1968

Alterations and additions, for C. W. P. Chick Esq.

TM/04/02361/LB Grant With Conditions 27 August 2004

Listed Building Application: Various internal alterations

TM/04/03309/LB Grant 17 November 2004

Listed Building Application: replacement of partial wall with brick pier

TM/04/03952/LB Grant With Conditions 20 January 2005

Listed Building Application: New Rooflight to rear and remove window to scullery room; alterations to garage for use as utility room; reinforcing of floor and new stud wall to bathroom and en-suite and associated works

TM/17/02885/TNCA No Objection 14 November 2017

T1 - Twin stem Eucalyptus to fell to ground level

- 4.1 The following relates to a combined plot comprising the sites of Shipbourne House and Butchers Cottage:

TM/16/00686/FL Approved 25 April 2016

Demolition of garages and erection of replacement attached garages

5. Consultees

(A) TM/17/02705/FL

- 5.1 PC: Objects, as follows:

5.1.1 Description: On entering the village from the south, Butchers Cottage and its curtilage forms an important element in Shipbourne's visual character which at this point includes the Common, Shipbourne House, the Chaser, St Giles Church and Churchgate Cottages. This planning application which would require the removal of part of the boundary, removal of trees and shrubs and replacement with a double parking space would negatively impact on Butchers Cottage, the street scene and on the Conservation Area.

5.1.2 Heritage Policies: In accordance with paras Ch.12 of the NPPF great weight needs to be given to proposals that impact on Listed Buildings and their settings. The Parish Council consider that 'less than substantial harm' is created by this application and as such the harm caused by the application would have to be justified by the public benefits of the proposal. There is no increased public benefit, indeed due to its impact on the character of this part of Shipbourne in our view there is a public dis-benefit.

- 5.1.3 Shipbourne Parish Council objects for the following reasons:

- the 'Heritage Statement' fails to address the following issues:
 - the application is in the setting of two Grade II Listed Buildings, Butcher's Cottage and its neighbour Shipbourne House (previously the old Post

Office); the significance of the Listed Building was not described, nor the impact of the application on their significance assessed.

- it requires demolition of the curtilage wall surrounding a Listed Building;
- it makes no reference to the impact on the Shipbourne Conservation Area;
- the Planning Application makes no reference to:
 - planning application TM/16/00686/FL approved earlier this year which replaced the existing one car garage with an integral garage/carport for 2 cars;
 - the intent to apply for the removal of a eucalyptus tree located on the eastern edge of the curtilage of Butchers Cottage
[DPHEH: TMBC raised no objections to this application, under reference TM/17/02885/TNCA].
- the application fails to give details of the materials to be used for the replacement picket fence and brick wall. These should have indicated re-use of bricks and fencing of matching materials and design.
- there is no indication as to whether the turning circle into the parking spaces is adequate without encroaching on other people's land.
- the proposal would:
 - detract from the character and distinctiveness of the Shipbourne Conservation Area;
 - harm the setting of Butchers Cottage (a Grade II LB);
 - conflict with *the Shipbourne Design Statement*, the Historic and Cultural Heritage policies of the adopted *Kent Downs AONB Management Plan (Policy HCH1)*, *Policy SQ2 of the Current Development Plan*;
- In the context of paras Chapter 12 of the NPPF the harm caused by this application cannot be justified by public benefit nor is the development needed to provide optimum viable use as there is already provision for parking and a garage.

5.1.4 For the reasons set out above the Parish Council would urge the Borough Council to refuse this application.

5.2 Private Reps: 5 + site + press notice/0X/0R/0S

(B) TM/18/01172/LB

5.3 PC: Reiterates its previous objections to the related planning application, which it summarises as follows.

5.3.1 The proposal would:

- Detract from the character and distinctiveness of the Shipbourne Conservation Area;
- Harm the setting of Butchers Cottage (a Grade II Listed building);
- Conflict with the Shipbourne Design Statement, the Historic Heritage policies of the adopted Kent Downs AONB Management Plan (Policy HCH1), and Policy SQ2 of the current development plan;
- In the context of Chapter 12 of the NPPF the harm caused by this application cannot be justified by public benefit nor is the development needed to provide optimum viable use as there is already provision for parking and a garage.

5.3.2 Currently there is a parking space on the right hand side of the house, accessed over Shipbourne House access. There is room to widen this parking space with removal of a much smaller amount of fence and wall (estimate 1.2m) to allow two cars to be parked side by side, thereby allowing both cars to move independently and ensuring that the access to Shipbourne House would never be blocked. SPC would not object to this solution as it would cause far less impact on the setting of the listed building and ensure that the existing listed wall and curtilage did not need to be demolished.

5.3.3 There is also a new garage to the rear of the property providing garaging space and other options using rear garden space which would not impact on the Listed Buildings and aspect of the Cottage to Stumble Hill and the Green, such an important view within the Conservation Area. Other less detrimental options are therefore available.

5.3.4 This curtilage listed wall is an important part of the setting of and integral to the Grade II listed Building, it is a historic boundary feature within the Shipbourne Conservation Area and its removal will harm both the setting of the Grade II listed building and the Conservation Area. There is no justification for its removal and there is therefore conflict with the provisions of the NPPF.

5.3.5 The importance of boundary treatments are highlighted in the Kent Downs AONB Landscape Design Handbook adopted and referred to in the MDEDPD, and also in the adopted Shipbourne Design Statement (p 25).

5.3.6 The Parish Council have no objection to the repainting of the fencing white as this is a traditional treatment of many boundary treatments in the village. However there is strong and reasoned objection to the removal of the boundary wall in order to provide hardstanding in front of the Cottage, and the objection to Planning Application TM/17/02705/FL remains unaltered.

5.4 Private Reps: 5 + site + press notice/0X/0R/0S

6. Determining Issues

6.1 The main issues are:

- whether the proposed changes to the boundary treatment would be appropriate in this sensitive location;
- the impact on the street scene and the character of the area, with particular reference to the Shipbourne Conservation Area and the setting of Butchers Cottage and the adjacent listed buildings and the Kent Downs AONB.

6.2 Key development plan policies and national guidance are identified as follows:

6.3 TMBCS (2007) Policies CP1 (Sustainable Development) and CP24 (Achieving a High Quality Environment). Policies CP3 (MGB), CP7 (AONB) and CP14 (Development in the Countryside). MDEDPD (2010) Policy SQ1 Landscape and Townscape Protection and Enhancement.

6.4 NPPF (2018) Section 12 Achieving well-designed places; Section 13 Protecting Green Belt land; Section 15. Conserving and enhancing the historic environment. Para 172 requires local planning authorities to give great weight to conserving landscape and scenic beauty within AONB which, along with National Parks and the Broads, have the highest status of protection in relation to these issues.

6.5 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires, in the exercise of planning functions, that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

6.6 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant listed building consent for any works the local planning authority shall 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.

Introductory points:

6.7 It may be noted that the formation of the new area of hardstanding does not require planning permission provided that it is surfaced in a porous material or provision is made to direct water run-off to a permeable or porous area within the curtilage of the dwelling. This permitted development right is not removed or modified by location within a conservation area or by a dwelling's 'listed' status.

6.8 Listed building consent is also not required for the formation of the hardstanding as this work does not amount to the demolition, alteration or extension of a listed building, for which consent would be needed. However, it is considered that listed building consent is required for the changes to the boundary treatment as this is attached to the building.

- 6.9 Planning permission is also required because permitted development rights are removed where such works involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building.

Listed Building considerations:

- 6.10 The Heritage Statement submitted with the application is brief and, as Shipbourne Parish Council points out, does not discuss the significance of the listed building or the impact of the works on it. However, the proposals would not directly affect the building itself and the impact on the setting of the building would be broadly neutral. The length of wall/fence to be removed from the flank boundary would be roughly equivalent to the length to be reinstated on the front boundary. Similarly, the area of hardstanding to be formed would be about the same as the existing area which is to be restored to garden.
- 6.11 The Council's conservation adviser has made a detailed assessment of the proposals, with particular reference to the existing boundary treatment, and has provided the following comments:

The brick plinth wall surrounding the front garden is relatively modern and built in the 20th century. It may have been constructed prior to 1948 but, if so, close to this date. It is a simply constructed single skin wall with cement mortar joints.

The planning application can be supported, having regard to the impact on the setting of the listed building and the character and appearance of the conservation area. Whilst the historic curtilage shows a boundary in this location, this forms a very minor role in the significance of the listed building as the size and shape of the garden space to the front is not of any particular importance in understanding the character of the building and its setting. This will in effect be sustained, as will the significance of the conservation area, in reference to the NPPF, as the parking space will move from one part of the garden to another.

As regards the listed building consent application, the wall is of little architectural and historic merit and therefore, even as a curtilage listed structure, its loss would not harm the special character of the listed building. The original intention was to reinstate the wall and fence across the existing opening, presenting a more unified front boundary. However, should the application be amended to remove the brick plinth entirely and install an entirely new picket fence, which the applicant is understood to be considering, given that there is no historic precedent for the brick plinth, my view is that this simplified form of boundary treatment would be appropriate to the status and semi-rural location of the house, and to the appearance of the conservation area, and this would therefore be acceptable. Nevertheless, should a new brick plinth be proposed as part of the reconstruction, details of source and type of any new bricks needed should be required by condition to be submitted to and approved in writing by the LPA.

- 6.12 The proposals would allow vehicles to be parked in front of the main wall of the house, parallel to that wall, whereas in the current arrangement one or two cars are parked in tandem formation, at a right angle to the wall, and to the side of it. Vehicles parked in the new location may be visually more prominent and would partially block views of the front wall and windows. However, as noted above, additional hard surfacing could be introduced into the site frontage without the need for planning permission (subject to satisfactory drainage), or listed building consent. Furthermore, the front elevation of the house might be obscured, to various degrees, by planting, as at present, also without need for consent. The visual impact of vehicles will also be partly screened by the new sections of fencing and by any additional or replacement landscaping.
- 6.13 Since the planning application was submitted, the substantial eucalyptus tree growing just inside the front boundary has been removed. The Council had raised no objections to this. The applicant proposes to plant a replacement, of a native species, as well as removing/tidying plant and shrub growth along the front and south flank boundaries.
- 6.14 The Parish Council also objects that details of the materials to be used for the replacement boundary treatment are not provided and suggests that the re-use of bricks and fencing of matching materials and design should have been indicated. The amended proposal is now to dispense with the combined brick plinth/picket fence in favour of a simple picket fence. The PC would be content for the fencing to be painted white and a planning condition can reasonably and properly be imposed to secure a satisfactory final appearance.
- 6.15 Similarly, details of the surfacing and drainage of the new parking area and restoration of the existing parking area may be secured by condition as these aspects are both included as elements of the overall application.

Conservation area considerations:

- 6.16 Given the location, the proposal is subject to the requirement in S72 of the 1990 Act, that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 6.17 Shipbourne Parish Council also objects that the Heritage Statement fails to address the impact on the Shipbourne Conservation Area. The only reference in the Statement is a note as to the location and an assurance that “every effort will be made to ensure the new and reclaimed materials will preserve the qualities of the surrounding area.”
- 6.18 This part of the local street scene displays high quality in both character and appearance, with a high concentration of listed buildings in a short and highly visible stretch of highway opposite the extensive open area of The Common.

- 6.19 Few nearby sites have a formal front boundary treatment. Neither Shipbourne House to the immediate north nor The Chaser Inn beyond that has a front wall or fence and the respective frontages are open to public view, with areas of hardstanding and parked vehicles clearly visible. Mallow House to the south is set well back from the highway frontage, with a large landscaped area of grass, trees and shrubs in the intervening space which largely obscure the site boundary.
- 6.20 In this context the visible boundary treatment around the front of the curtilage of Butchers Cottage is quite unusual. It is nevertheless a characteristic and valuable feature in the street scene. The closure of the existing gap in the principal frontage on Stumble Hill and the provision of a picket fence all round would satisfy the 'preserve or enhance' test.
- 6.21 The removal of the existing area of hardstanding and restoration to conventional garden behind the new length of fencing would also be expected to contribute positively to the appearance of the conservation area.
- 6.22 On the southern flank, the removal of a 6m stretch of boundary enclosure would have an impact on the street scene. This is arguably a more subordinate elevation, although still clearly visible on an approach from the south, but the formation of additional matching fencing around the new parking area would to a degree compensate for the loss. Subject to the use of matching materials and finishes, the changes to this part of the boundary would not be expected to harm the character and appearance of the conservation area and would thereby satisfy the 'preserve or enhance' test.

Other material considerations:

- 6.23 The site lies within the MGB, where restrictive policies apply. Paragraph 143 of the NPPF states that inappropriate development is harmful to the Green Belt by definition and should not be approved except in very special circumstances. Paragraphs 145 and 146 go on to list exceptions to the types of development considered to be inappropriate for the purposes of applying national policy. In particular, paragraph 146(b) allows for engineering operations such as this to take place provided the openness of the Green Belt is preserved and there is no conflict with the purposes of including land within it. I do not consider that the development would have any impact on the openness of the Green Belt and thus the development is not inappropriate.
- 6.24 The site also lies within the Kent Downs AONB. The Parish Council make particular reference to Policy HCH1 in the *Kent Downs AONB Management Plan*. This is a broad policy under which '*The protection, conservation and enhancement of the historic character and features of the Kent Downs landscape will be pursued and heritage-led economic activity encouraged.*'
- 6.25 The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. Relevant to this is the duty on public bodies to 'have regard' for that

statutory purpose in carrying out their functions (section 85 of the Countryside and Rights of Way Act, 2000). This is supported by adopted policy CP7 of the TMBCS and policies contained within the NPPF.

- 6.26 Having regard to the foregoing assessment and conclusions as to listed building and conservation area issues, it is concluded that there would also be no harmful impact on the natural beauty and quiet enjoyment of the AONB and no conflict with adopted policy, national requirements or statutory duties in connection with the AONB.
- 6.27 The PC suggests that access to the new parking area would require vehicles to encroach over adjacent land. The applicant confirms that the application property has the right to use the access on the south side and this appears to be approximately 6m wide, which would be sufficient to allow a typical private car to manoeuvre into and out of the new spaces without undue difficulty.
- 6.28 The sight line for drivers emerging from the spaces would be limited on the west side by the bulk of the dwelling although on the east side the reasonably low fence and its partially open character would allow better visibility. However, the private lane is not a major thoroughfare and visibility would be similar to what is available from the recently constructed garages to the rear. In the circumstances, it is unlikely that highway safety would be significantly compromised.

Conclusions:

- 6.29 Whilst the submitted Heritage Statement is brief and basic, sufficient information has been provided to enable a decision to be made. The applicant expresses a clear intention to carry out the works in matching materials and finishes and it is reasonable to reserve on details by way of condition(s). In view of the sensitivity of the site, it is appropriate to require samples of materials, including the surfacing, to be submitted for approval.
- 6.30 Subject to these controls, and taking due note of the extent of works which may be undertaken without the need for a planning application and/or listed building consent, it is concluded that the proposal would achieve adequate compliance with adopted development plan policies and national guidance, would not materially harm either the listed building or adjoining listed buildings or their respective settings, and would satisfy the 'preserve or enhance' test applied to development within a conservation area.

7. Recommendation

(A) TM/17/02705/FL

- 7.1 **Grant planning permission** in accordance with the following submitted details: Email dated 10.08.2018, Proposed Layout KS/003 dated 28.09.2017, Site Plan dated 28.09.2017, Location Plan dated 28.09.2017, Statement Heritage dated

28.09.2017, Photograph dated 28.09.2017, Elevations Picket fence dated 22.10.2018, subject to the following conditions:

Conditions

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

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

- 2 The picket fence hereby approved shall not be erected except in accordance with details, including samples of materials and finishes, which shall be submitted to and approved in writing by the Local Planning Authority before works commence.

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

- 3 The additional hard-surfaced parking area shall be constructed in porous materials, details of which (including samples) shall be submitted to and approved in writing by the Local Planning Authority, and the new access and hard-surfaced parking area shall not be brought into use until the development has been carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the site, the listed building, or the visual amenity of the locality, and in the interests of sustainable development, to avoid water run-off onto the adjacent highway or onto adjacent sites.

- 4 Within the next available planting season following the formation of the new hard surfaced parking area, the front garden of the property shall be planted in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority. The planting proposals shall include at least one tree, of a native species, to replace the eucalyptus tree which has been felled. The replacement tree and any other trees forming part of the landscaping plan which, within 10 years of the date of planting, are removed or become seriously damaged or diseased shall be replaced in the next available planting season with another or others of a similar size and species.

Reason: In the interests of the visual amenities of the locality.

Informative

- 1 The Council recommends consulting the Government's advice note Guidance on the permeable surfacing of front gardens, which may be viewed at: www.gov.uk/government/publications/permeable-surfacing-of-front-gardens-guidance

(B) TM/18/01172/LB

- 7.2 **Grant listed building consent** in accordance with the following submitted details: Block Plan dated 28.09.2017, Location Plan dated 28.09.2017, Photograph dated 28.09.2017, Letter dated 21.05.2018, Statement Heritage dated 21.05.2018, Email dated 10.08.2018, Elevations picket fence dated 22.10.2018, subject to the following condition:

Condition

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.

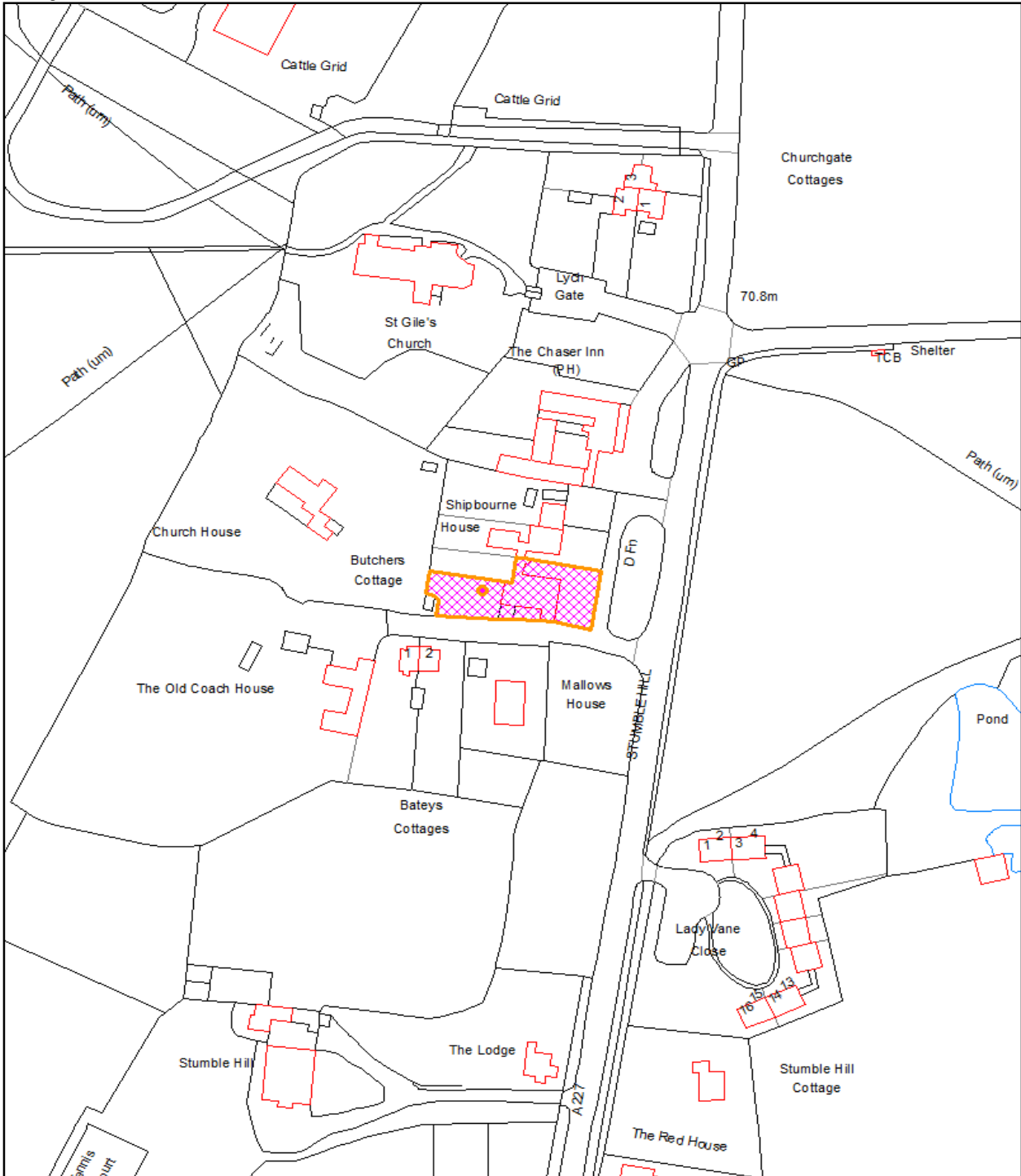
Contact: Leslie Sayers

TM/17/02705/FL & TM/18/01172/LB

Butchers Cottage Stumble Hill Shipbourne Tonbridge Kent TN11 9PE

Demolition of existing low brick side boundary wall and provision of a new hard surfaced parking area in front garden with new picket fencing. Existing parking area to be returned to domestic garden and front boundary picket fence to be reinstated

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Shipbourne
Borough Green And
Long Mill

31 July 2018

TM/18/01840/FL

Proposal: Conversion of existing outbuilding containing garage/residential accommodation to a 3 bedroom dwelling with single storey rear and side extension and roof enlargement (Amendment to 17/01741/FL)

Location: School Lane Cottage School Lane Shipbourne Tonbridge Kent TN11 9RT

Go to: [Recommendation](#)

1. Description:

- 1.1 This application seeks planning permission for the conversion of the existing outbuilding which currently forms a garage and residential accommodation to provide a 3 bedroom independent dwelling.
- 1.2 This permission is an alternative to planning permission TM/17/01741/FL which granted permission for the conversion of the building to a residential dwelling. The alterations to the previously approved scheme are;
 - Enlargement of roof which includes the increase in ridge height by 1m and eaves height by 2m.
 - Inclusion of a single storey side extension. The extension measures 2.5m long by 3m wide, is to include a dual pitch hipped roof with an eaves height of 2.8m and a total height of 4.5m.
 - Alteration of roof of single storey rear addition to provide conventional mono pitch roof pitch.

2. Reason for reporting to Committee:

- 2.1 At the request of Councillor Mike Taylor as the scheme is considered to be a departure from policy.

3. The Site:

- 3.1 The application site consists of a semi-detached property, detached outbuilding and the dwellings associated curtilage. The site lies within the Metropolitan Green Belt and is approximately 400m south of the settlement of Plaxtol. School Lane runs to the west of the site with access to the highway via a drive the south-western corner of the site.

4. Planning History (relevant):

TM/98/01038/FL	Grant With Conditions	14 August 1998	garage, dormer window and alterations to existing access
TM/99/00539/ORM	ORM approved	6 May 1999	increase in size of garage by 1 metre submitted pursuant to permission TM/98/1038/FL
TM/04/02366/FL	Grant With Conditions	12 November 2004	Two storey side and rear extension with dormer window to rear
TM/05/00141/FL	Refuse	11 April 2005	Two storey side and rear extension
TM/05/01578/FL	Grant With Conditions	29 June 2005	Two storey side and rear extension and front dormer window
TM/05/02850/RD	Grant	10 November 2005	Details joinery pursuant to condition 4 of planning permission ref. TM/05/01578/FL (two storey side and rear extension and front dormer window)
TM/06/01546/ORM	ORM approved	26 June 2006	Minor amendment including rear dormer window pursuant to planning permission ref. TM/05/01578/FL (two storey side and rear extension and front dormer window) (RETROSPECTIVE)
TM/07/01983/FL	Approved	1 August 2007	Erection of conservatory
TM/13/01130/FL	Approved	12 June 2013	Proposed bespoke orangery
TM/17/01741/FL	Approved	23 November 2017	Conversion of existing outbuilding containing garage/residential accommodation to main house to 2 bedroom dwelling, with single storey rear extension

5. Consultees:

5.1 Parish Council: Objection on the grounds of;

- Inappropriate within the Green Belt, harmful to openness.

- No longer subservient to School Lane Cottage and would alter the character/appearance of the environs.
- Proposal shows extension to residential curtilage.
- Overdevelopment of the site
- No tree survey provided
- Permitted development rights for garages should be removed.

5.2 Neighbours: 1 + site notice/0X/0R/1S

6. Determining Issues:

6.1 As a background for Members this application is an alternative to the one approved under delegated powers on the 23 November 2017 under reference TM/17/01741/FL. That permission allowed for the conversion of the garage into a single residential unit, predominately converting within its existing extent of the garage with a small rear extension. The current application is a revised scheme in totality and therefore will be re-assessed against the relevant local and national policies.

Principle of development:

6.2 In terms of the principle of development of this nature, it should be noted that the Council cannot presently 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 such as this.

6.3 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.

- 6.4 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 policies before establishing whether the presumption applies.
- 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. New buildings are considered inappropriate development within the Green Belt other than certain exceptions which are set out at paragraph 145 (a – g). One of the exceptions listed (c) relates to the extension or alteration of an existing building provided that it does not result in disproportionate additions over and above the size of the original building. Paragraph 146(d) allows for the re-use of existing buildings provided they are of substantial and permanent construction and preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 6.6 The previously approved scheme was assessed on the basis of these exceptions albeit in the context of the previous version of the NPPF (March 2012). The conclusion in that case was that the scheme amounted to a reuse of an existing building and that the extension proposed in that instance was not disproportionate. The current scheme proposes far more substantial alteration and extension to the building. The roof is to be removed in its entirety, to allow for the building up over two storeys leaving only the external walls remaining, also to be built up and re-clad. Sections of the south-west and south-east elevation will be removed to provide large openings. The extensions now proposed are therefore considered to be disproportionate and the scheme cannot reasonably be said to be re-using the existing building as it stands, thus not meeting the exceptions outlined above. In fact, the proposal effectively amounts to the redevelopment of the site in totality.
- 6.7 With this conclusion in mind, I have given regard as to whether any of the other exceptions set out in paragraphs 145 and 146 of the NPPF can reasonably be said to apply.
- 6.8 One of the exceptions listed 145 (g) relates to the partial or complete redevelopment of previously developed land where there the development would not have a greater impact on the openness of the Green Belt than the existing development.
- 6.9 The application site comprises previously developed land within the definition included at Annexe 2 of the NPPF and as such it is necessary to establish whether the redevelopment of the site in the manner proposed would have any greater impact on openness. The proposed works seek to increase the overall height of the building by 1m culminating in a partial flat top. The existing walls are to be built

up, increasing the eaves height and providing a full two storey building in addition to proposing two extensions. The garage building was originally permitted in 1998 as an ancillary outbuilding. An increase of bulk to this level would alter the subservience of this building in relation to the dwelling of School Lane Cottage. This substantial increase would result in a failure to preserve the openness of the Green Belt. By virtue of this visual harm and the failure to preserve this would have a greater impact on openness of the Green Belt and therefore this exception would not apply.

6.10 Furthermore, paragraph 145(d) sets out that a replacement building is not inappropriate provided that the new building is in the same use and not materially larger than the one it would replace. If the stance was taken that this is in effect an entirely new building, the exception would not apply in any event as it would be in a different use and materially larger.

6.11 The development therefore amounts to inappropriate development within the Green Belt, which is considered to be substantially harmful by definition and for which very special circumstances must be demonstrated that outweigh this, and any other harm, before permission can be granted. As has been set out above, the proposed works are considered to have a material harm to openness by virtue of its increased bulk and change in relationship of the built form. A case of very special circumstances will therefore have to overcome this material harm in addition to the definitional harm by virtue of inappropriate development.

6.12 The applicant has not formally put forward a case of very special circumstances to consider however has set out as follows:

“this second scheme whilst increasing its height, has been carefully designed such that it would result in a sympathetic and subservient addition to the subject building”.

“the scheme proposes a variety of architectural devices including set-backs and lowered roof levels (including felt flat roof behind pitched roof) which would help to minimise the bulk and massing, thereby ensuring that the extension is subservient and also reducing its impact upon the openness”.

“The proposed development would result in only a marginally larger dwelling to that initially approved and would result in an enlarged building of inherently acceptable design and form and architectural appearance. The character and appearance of the wider street-scene and general environment would not be adversely affected and no neighbouring property occupiers would suffer material harm to their residential amenities”.

6.13 I do not consider that these matters are sufficient to amount to a case of very special circumstances. In essence they seek to address matters of more general design and built form which are requirements of adopted policy in any event. Mere

compliance with other policies contained within the development plan cannot be very special circumstances, as a matter of law.

- 6.14 Notwithstanding this, I do not concur with the conclusions drawn in these respects in any event. The resultant building would be far larger and bulkier and there would be overt harm arising to the Green Belt as a result of the development.
- 6.15 I acknowledge that the approved scheme represents a fallback position but that was markedly different in type and scale and not considered to be inappropriate development in the Green Belt. As such, it holds very little relevance to the assessment that has taken place and certainly does not amount to a case for very special circumstances.
- 6.16 With this in mind, the presumption in favour of sustainable development does not re-emerge to be applied.

Development in the countryside:

- 6.17 Paragraph 79 of the NPPF sets out that planning decisions should avoid the development of isolated homes in the countryside unless one or more circumstances apply. It is not considered that the proposal would introduce an isolated new home into the countryside, and this position was accepted in the previous grant of permission here. This does not, of course, override the earlier assessment concerning Green Belt impact.
- 6.18 Policy DC1 (2) of the MDE DPD relates to the conversion of rural buildings and permits the reuse of buildings that are of permanent and sound construction and capable of conversion without major or complete reconstruction. Whilst this may not be seen as a traditional rural building for which the policy was originally intended, the garage is a building within a rural area and therefore the policy falls to be applied. As set out above, the proposed development is far more substantial than a re-use of an existing building and therefore the policy requirements are not met in this respect.
- 6.19 Policy DC2 relates to the replacement of rural building. It sets out that (1) A replacement building in the countryside will be permitted subject to meeting all the following criteria:
- (a) it would not be materially larger than the existing building and it would be appropriate in scale and design to its setting and any neighbouring buildings and to the character of the area within which it is located as defined in the Character Area Appraisals SPD;
 - (b) the proposal does not result in a the fragmentation and/or severance of an agricultural land holding creating a non-viable agricultural unit;

(c) full account is taken of any biodiversity interest in accordance with Policy NE3;

(d) it is not in an isolated position in relation to infrastructure and services and; (e) the demolition of the existing building would not result in the loss of a building of architectural or historic interest or a building that contributes to local character. It clarifies in (2) that the replacement of non-residential buildings in the countryside with residential development will be considered on the basis that it is new residential development and will therefore also be subject to Core Policy CP14. The proposal would meet criteria b – e of DC2 (1) however for the same reasons as set out above the proposed building would be materially larger than the existing building. The proposal would therefore not be in accordance with Policy DC2 (1).

Visual amenity:

6.20 Policy CP24 of the TMBCS seeks to ensure that all new developments are well designed and respect the site and its surroundings. Policy SQ1 of the MDE DPD is also relevant and sets out that proposals for development will be required to reflect the local distinctiveness, condition and sensitivity to change of the local character areas as defined in the Character Area Appraisals SPD. It continues that all new development should protect, conserve and, where possible, enhance: (a) the character and local distinctiveness of the area including its historical and architectural interest and the prevailing level of tranquillity; (b) the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views; and (c) the biodiversity value of the area, including patterns of vegetation, property boundaries and water bodies.

6.21 In terms of its design the proposal seeks to alter the building to provide a hipped roof with flat top. The two extensions are subservient in their form and propose a mono-pitch and hipped roof for the kitchen and wc/entrance hall respectively. Materials proposed are to be a clay tiled roof with sawn oak featheredge weatherboarding. Given the substantial changes to the external appearance of the building it cannot be said to relate to the host building however it would generally be rural in its style. The wider area contains a mix of styles of buildings with no particular common vernacular. It is not considered that the alterations would harm the character of the area or appearance of the street scene.

Residential amenity:

6.22 With regards to impact on residential amenity the building itself is set some distance to the south-east of School Lane Cottage. Although the increase in bulk is likely to result in some loss of light, given its separation it is unlikely to result in a significant impact on their residential amenity. The proposed first floor windows within the north-east and south-west elevations will offer a view towards School Lane Cottage, however this is to be at approximately 17m and would be at an oblique angle. It is therefore considered that the proposal would have no significant impact on residential amenity in terms of privacy.

Parking provision:

6.23 KHS IGN3: Residential Parking is the relevant standard for residential parking and sets out that each property should have 2 independently accessible parking spaces. A new parking area is to be formed adjacent to School Lane Cottages to provide up to 3 parking spaces with the existing parking/turning area adjacent to the garage to be retained for the new dwelling. The proposal can demonstrate adequate parking for both the new and existing dwelling. The provision of these parking spaces can be secured by way of condition if members are minded to grant planning permission.

7. Recommendation:

7.1 **Refuse planning permission** for the following reasons:

Reasons:

- 1 The proposed development constitutes inappropriate development within the Green Belt which is considered to be substantially harmful by definition. In addition, by virtue of its overall size, bulk and scale, it would cause material harm to the open nature and function of the Green Belt. There are no very special circumstances which would clearly outweigh the definitional and material harm arising from the development and it is therefore contrary to policy CP3 of the Tonbridge and Malling Borough Core Strategy 2007 and the requirements of paragraphs 143 – 147 of the National Planning Policy Framework 2018.
- 2 The proposed development would constitute the rebuilding of an existing building which would be materially larger than the building it would replace which is contrary to the requirements of policy DC2(1) of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010.

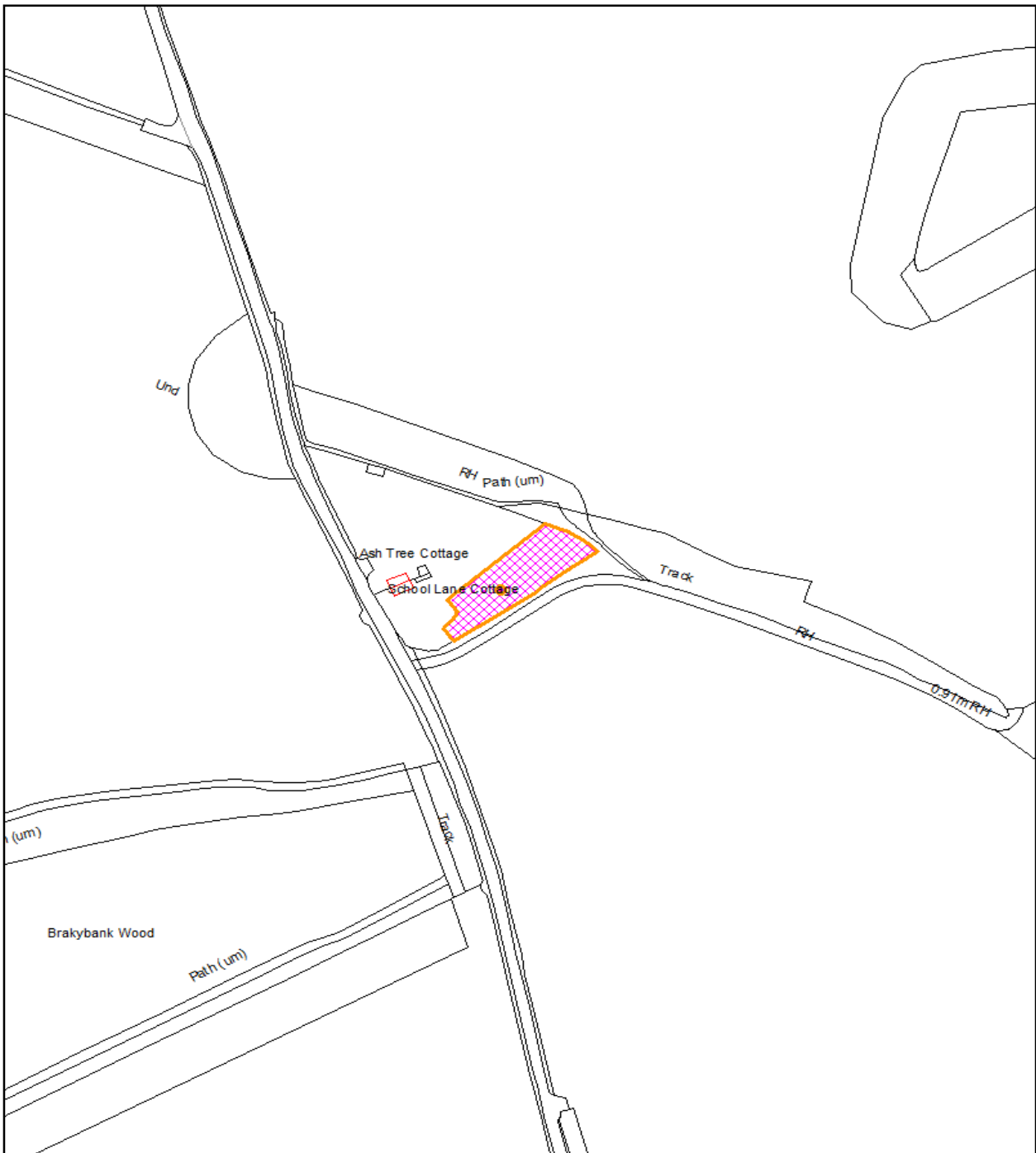
Contact: Paul Batchelor

TM/18/01840/FL

School Lane Cottage School Lane Shipbourne Tonbridge Kent TN11 9RT

Conversion of existing outbuilding containing garage/residential accommodation to a 3 bedroom dwelling with single storey rear and side extension and roof enlargement (Amendment to 17/01741/FL)

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Trottiscliffe
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 Trottiscliffe West Malling Kent

Go to: [Recommendation](#)

1. Description:

1.1 Determination of this application was deferred on 26 September 2018 to allow for legal services to provide the committee with a report setting out the risks involved with refusing outline planning permission on grounds of impact to the Green Belt and matters of viability.

1.2 This is in line with the Council's Constitution which sets out as follows:

Where a Committee rejects a recommendation to approve, or is minded to refuse, an application which is recommended for approval by the Director of Planning, Housing and Environmental Health on grounds which the Director does not consider can be substantiated at appeal, the matter shall be deferred to the next meeting of the Committee to enable the Director of Central Services & Monitoring Officer to submit an independent report to the Committee on the possibility of costs being awarded against the Council. If the Director of Central Services & Monitoring Officer's report indicates that there is likely to be a significant risk of costs being awarded against the Borough Council and the Committee resolves to refuse the application that decision will be a recommendation only and the matter shall be submitted to Council for resolution.

1.3 Copies of the previous officer's report and supplementary report from the 26 September meeting are annexed for ease of information.

1.4 Since the deferral, the agent for the applicant has sought to provide additional supporting information which sets out a summary of similar cases which have been considered by the Council and approved.

2. Consultees (since 26 September):

2.1 None

3. Determining Issues:

3.1 The key matter for consideration in respect of the requisite Green Belt assessment is discussed at paragraph 6.12 of the officer's previous report. To embellish on this and for the avoidance of any doubt, the Planning Committee is required to make an assessment solely on the development that is proposed through this current

planning application, not on matters that have been for determination previously although the development that is currently in situ forms the context for making that assessment.

- 3.2 In essence, previous planning decisions have been connected to the residential use and occupation of the site in relation to the business use. The residential use has been accepted on a permanent basis and is facilitated by the siting of a static mobile home in the approved location. The mobile home is not, for the purposes of planning, considered to be a *building*.
- 3.3 What is now proposed, and falls to be determined, is the removal of that mobile home and the construction of a new building (dwelling) on the site, still in connection with the same agricultural operation. The principle surrounding this residential use has been established and cannot be considered any further within the context of this application. The main issue for consideration is whether the new building is acceptable in planning terms.
- 3.4 In this respect, the NPPF sets out that the construction of new buildings within the Green Belt is inappropriate development unless specific exceptions apply. Paragraphs 145 and 146 set out the relevant exceptions. In this case, the necessary test to be applied is set out in paragraph 145 (g) of the NPPF which states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are (inter alia):
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
- not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 3.5 This part of the application site falls within the definition of previously developed land for the purposes of applying paragraph 145 (g). The only matter for consideration is therefore whether the new building has a greater impact on openness than the existing development (the residential use facilitated by the mobile home).
- 3.6 However frustrating it might be to witness a series of events whereby in relatively quick succession the applicant here has sought to establish a lawful, permanent residential occupation of the site and the resultant categorisation of the land for planning purposes as previously developed, this is a legitimate route and this is the correct test to be applied.

- 3.7 It is on this basis that I return to paragraph 6.12 of the officer's report in respect of the impact on the openness of the Green Belt. It is concluded that there would not be any substantial additional harm to openness. This is a matter of planning judgement but in making such a judgement, Members must be mindful of a recent High Court judgement which found that a greater impact on openness must involve something more than a mere change of environment (*Euro Garages Limited v Secretary of State for Communities and Local Government (CO/145/2018)*).
- 3.8 The exceptions set out paragraph 145(g) therefore applies and there is no need to establish whether any very special circumstances exist.
- 3.9 Turning to matters pertaining to the viability of the business, the salient issues centre on the fact that the new dwelling would still be tied to the continuation of the business use by virtue of the recommended planning conditions. The conclusions drawn in connection with the Green Belt considerations mean that there is no ability to further consider matters of viability. In effect, Members do not need to find or additional very special circumstances. In any event, as mentioned above, the success of the business use is not parasitic on the size of the dwelling the applicant can reasonably expect to inhabit. Moreover, the only test to be applied is whether there is a greater amount of harm arising to prevailing levels of openness.
- 3.10 With the above considerations in mind, the following recommendation is reiterated.

4. Recommendation:

- 5. Grant outline planning permission** 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, and subject to the following conditions:

Conditions:

- 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 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

- 3 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 on the site for agricultural/horticultural purposes.

- 4 The existing mobile home shall be removed from the site prior to first occupation of the dwelling or completion of the development hereby approved, whichever is the earlier.

Reason: The retention of the mobile home on the site is likely to cause harm to the openness of the Green Belt and visual amenity of the rural locality.

- 5 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.

- 6 No development 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.

- 7 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.

- 8 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.

- 9 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.

- 10 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 26 September 2018

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	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

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

SUPPLEMENTARY REPORTS

AREA 2 PLANNING COMMITTEE

DATED 26 September 2018

Trottiscliffe TM/18/00357/OA
Downs And Mereworth

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

Paragraph 7.1: Specific reference should be made to the fact that outline planning permission is sought through this application for the avoidance of any doubt.

DPHEH: Since publication of the main report, officers have taken the opportunity to revisit the conditions recommended. As a result, a further condition is recommended along with several amendments and additions. To summarise:

Conditions 1 and 2 have been amended to clarify the requirement for approval of the reserved matter of landscaping to be obtained and the time within which development must commence.

Condition 3 is now the occupancy condition tied to the nursery use. The reason for this condition has been revised slightly.

Condition 4 has been added to ensure that the existing mobile home will be removed from the site on first occupation of the new dwelling or completion of the development, whichever is the earlier.

The remaining conditions are unchanged, however, for completeness and in the avoidance of any doubt, the conditions have been reproduced in their final format below for Members consideration.

AMENDED RECOMMENDATION

Paragraph 7.1: Grant Outline Planning Permission 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, and subject to the following conditions:

- 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 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.**

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

- 3 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 on the site for agricultural/horticultural purposes.

- 4 The existing mobile home shall be removed from the site prior to first occupation of the dwelling or completion of the development hereby approved, whichever is the earlier.**

Reason: The retention of the mobile home on the site is likely to cause harm to the openness of the Green Belt and visual amenity of the rural locality.

- 5 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.

- 6 No development 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.

- 7 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.

- 8 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.

- 9 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.

- 10 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:

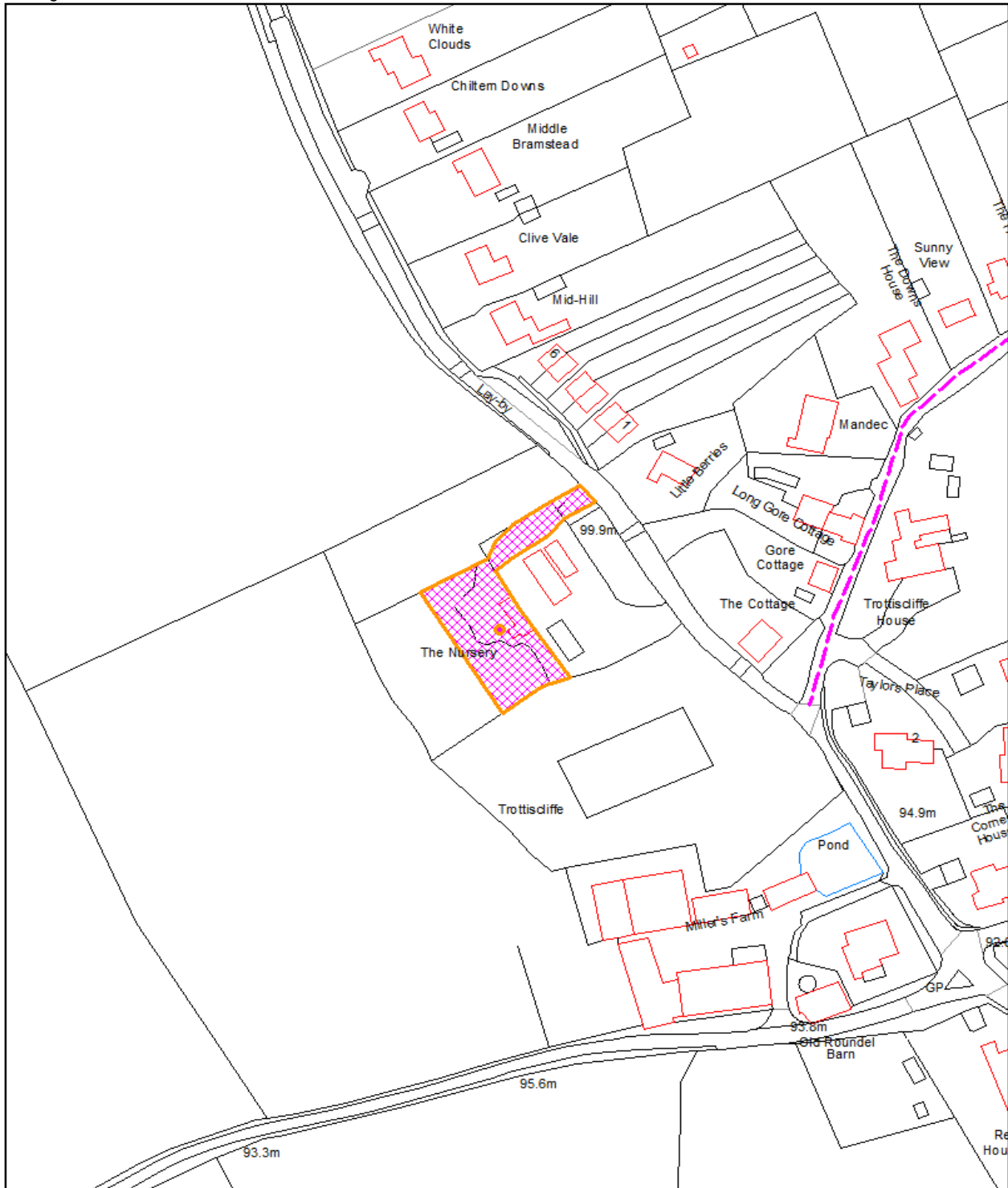
- 1 This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.**
- 2 During the demolition and construction phase, the hours of working (including deliveries) shall be restricted 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.**

TM/18/00357/OA

The Nursery Taylors Lane Trottscliffe 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 11

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

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

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By virtue of paragraph(s) 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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