



TONBRIDGE & MALLING BOROUGH COUNCIL

EXECUTIVE SERVICES

Chief Executive
Damian Roberts

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

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

19 May 2025

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 Council Chamber, Gibson Drive, Kings Hill on Wednesday, 28th May, 2025 commencing at 7.30 pm.

Members of the Committee are required to attend in person. Other Members may attend in person or participate online via MS Teams.

Information on how to observe the meeting will be published on the Council's website. Deposited plans can be viewed online by using [Public Access](#).

Yours faithfully

DAMIAN ROBERTS

Chief Executive

A G E N D A

1. Guidance for the Conduct of Meetings

5 - 8

PART 1 - PUBLIC

2. Apologies for Absence
3. Declarations of Interest

Members are reminded of their obligation under the Council's Code of Conduct to disclose any Disclosable Pecuniary Interests and Other Significant Interests in any matter(s) to be considered or being considered at the meeting. These are explained in the Code of Conduct on the Council's website at [Code of conduct for members – Tonbridge and Malling Borough Council \(tmbc.gov.uk\)](https://www.tmbc.gov.uk/code-of-conduct-for-members).

Members in any doubt about such declarations are advised to contact Legal or Democratic Services in advance of the meeting.

4. Minutes 9 - 14

To confirm as a correct record the Minutes of the meeting of Area 2 Planning Committee held on 2 April 2025

5. Glossary and Supplementary Matters 15 - 22

Glossary of abbreviations used in reports to the Area Planning Committee (attached for information)

Any supplementary matters will be circulated via report in advance of the meeting and published to the website.

Matters for Decision under Delegated Powers (In accordance with Part 3 of the Constitution)

6. TM/24/00366/PA - Land Opposite the Paddocks, Birling Road, 23 - 44
Leybourne, West Malling

S73 Application for variation of conditions 3 and 4 submitted pursuant to Appeal ref APP/H2265/C/21/3280661 to allow for the siting of an additional 2 static caravans and 2 utility rooms within existing pitches.

7. TM/24/01900/PA - Stocketts, Aldon Lane, Offham, West Malling 45 - 66

Demolition of existing dwelling, garage and former stables and erection of a new self build replacement detached dwelling (for the owners own personal use - custom build)

Matters for Information

8. Planning Appeals, Public Inquiries and Hearings 67 - 70

To receive and note any update in respect of planning appeals, public inquiries and hearings held since the last meeting of the Planning Committee.

9. Urgent Items

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

Matters for consideration in Private

10. Exclusion of Press and Public

71 - 72

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

PART 2 - PRIVATE

11. TM/24/00366/PA - Land Opposite the Paddocks, Birling Road, Leybourne, West Malling 73 - 84

(Reasons: LGA 1972 – Sch 12A Paragraph 5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings).

This report provides legal advice on the consequences of taking decisions against the advice of officers.

12. Urgent Items

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

MEMBERSHIP

Cllr W E Palmer (Chair)
Cllr C Brown (Vice-Chair)

Cllr B Banks
Cllr R P Betts
Cllr M D Boughton
Cllr P Boxall
Cllr M A Coffin
Cllr S Crisp
Cllr Mrs T Dean

Cllr D Harman
Cllr S A Hudson
Cllr J R S Lark
Cllr R V Roud
Cllr K B Tanner
Cllr Mrs M Tatton
Cllr M Taylor

GUIDANCE ON HOW MEETINGS WILL BE CONDUCTED

- (1) Most of the Borough Council meetings are livestreamed, unless there is exempt or confidential business being discussed, giving residents the opportunity to see decision making in action. These can be watched via our YouTube channel. When it is not possible to livestream meetings they are recorded and uploaded as soon as possible:

<https://www.youtube.com/channel/UCPp-IJISNgoF-ugSzxiAPfw/featured>

- (2) There are no fire drills planned during the time a meeting is being held. For the benefit of those in the meeting room, the fire alarm is a long continuous bell and the exits are via the doors used to enter the room. An officer on site will lead any evacuation.
- (3) Should you need this agenda or any of the reports in a different format, or have any other queries concerning the meeting, please contact Democratic Services on committee.services@tmbc.gov.uk in the first instance.

Attendance:

- Members of the Committee are required to attend in person and be present in the meeting room. Only these Members are able to move/ second or amend motions, and vote.
- Other Members of the Council can join via MS Teams and can take part in any discussion and ask questions, when invited to do so by the Chair, but cannot move/ second or amend motions or vote on any matters. Members participating remotely are reminded that this does not count towards their formal committee attendance.
- Occasionally, Members of the Committee are unable to attend in person and may join via MS Teams in the same way as other Members. However, they are unable to move/ second or amend motions or vote on any matters if they are not present in the meeting room. As with other Members joining via MS Teams, this does not count towards their formal committee attendance.
- Officers can participate in person or online.

- Members of the public addressing an Area Planning Committee should attend in person. However, arrangements to participate online can be considered in certain circumstances. Please contact committee.services@tmhc.gov.uk for further information.

Before formal proceedings start there will be a sound check of Members/Officers in the room. This is done as a roll call and confirms attendance of voting Members.

Ground Rules:

The meeting will operate under the following ground rules:

- Members in the Chamber should indicate to speak in the usual way and use the fixed microphones in front of them. These need to be switched on when speaking or comments will not be heard by those participating online. Please switch off microphones when not speaking.
- If there any technical issues the meeting will be adjourned to try and rectify them. If this is not possible there are a number of options that can be taken to enable the meeting to continue. These will be explained if it becomes necessary.

For those Members participating online:

- please request to speak using the 'chat or hand raised function';
- please turn off cameras and microphones when not speaking;
- please do not use the 'chat function' for other matters as comments can be seen by all;
- Members may wish to blur the background on their camera using the facility on Microsoft teams.
- Please avoid distractions and general chat if not addressing the meeting
- Please remember to turn off or silence mobile phones

Voting:

Voting may be undertaken by way of a roll call and each Member should verbally respond For, Against, Abstain. The vote will be noted and announced by the Democratic Services Officer.

Alternatively, votes may be taken by general affirmation if it seems that there is agreement amongst Members. The Chairman will announce the outcome of the vote for those participating and viewing online.

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TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

MINUTES

Wednesday, 2nd April, 2025

Present: Cllr W E Palmer (Chair), Cllr B Banks, Cllr M D Boughton, Cllr P Boxall, Cllr M A Coffin, Cllr Mrs T Dean, Cllr S A Hudson, Cllr J R S Lark, Cllr R V Roud, Cllr K B Tanner, Cllr Mrs M Tatton and Cllr M Taylor

Apologies for absence were received from Councillors C Brown, R P Betts and D Harman. An apology for in-person attendance was received from Councillor S Crisp who participated via MS Teams in accordance with Council Procedure Rule No 15.21.

PART 1 - PUBLIC

AP2 25/15 DECLARATIONS OF INTEREST

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

AP2 25/16 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 19 February 2025 be approved as a correct record and signed by the Chairman.

AP2 25/17 GLOSSARY AND SUPPLEMENTARY MATTERS

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.

MATTERS TAKEN UNDER DELEGATED POWERS (IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION)

AP2 25/18 TM/24/01620 - THE LONDON GOLF CLUB, SOUTH ASH MANOR, SOUTH ASH ROAD, ASH, SEVENOAKS

Proposals within the Tonbridge and Malling Borough Council area:

Erection of a hotel with spa and conference facilities, and visitor accommodation lodges, associated parking and landscaping located to the west of Ash Lane. An underpass under Ash Lane connecting the main golf club site with the eastern parcel. A sports pavilion (comprising a restaurant, gym and studios), racket courts and a swimming lake; visitor accommodation lodges and a new relocated driving range and Elite Performance Centre located to the east of Ash Lane along with associated parking and landscaping. Change of use of Grade II* listed South Ash Manor and adjacent stables block from office use to visitor accommodation. Refurbishment of Grade II* listed South Ash Manor including internal and external alterations and demolition of conservatory.

Proposals within the Sevenoaks District Council area:

Erection of visitor accommodation lodges and landscaping located to the west of Ash Lane. Demolition of the existing building within the southern parcel and redevelopment of land into a sports turf academy with associated surfaces and an artificial pitch. New equestrian facilities including an arena and replacement stables. Change of use of Grade II* listed South Ash Manor and adjacent stables block from office use to visitor accommodation. Refurbishment of Grade II* listed South Ash Manor including internal and external alterations and demolition of conservatory.

Due regard was given to the determining issues and conditions as detailed in the report of the Director of Planning, Housing and Environmental Health. During discussion, Members recognised that engagement had been undertaken with the local community and the Parish Council and that the concerns raised regarding traffic and noise had been addressed by the applicant. Furthermore, Members welcomed the employment benefits that the development would bring to the area.

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

- (1) An increase in the applicable monitoring fees to £460 per obligation, in line with the annual fee increase; and

(2) Condition (2), reference to existing plans to be deleted.

[Speakers: Mr J Skoniekj (member of the public) addressed the Committee via MS Teams and Mr S Follett (Applicant) addressed the Committee in person].

AP2 25/19 TM/24/00366/PA - LAND OPPOSITE THE PADDOCKS, BIRLING ROAD, LEYBOURNE, WEST MALLING

S73 Application for variation of conditions 3 and 4 submitted pursuant to Appeal ref: APP/H2265/C/21/3280661 to allow for the siting of an additional 2 static caravans and 2 utility rooms within existing pitches.

Due regard was given to the determining issues and conditions as detailed in the report of the Director of Planning, Housing and Environmental Health, with particular attention given to the concerns raised by the public speakers.

During discussion, concern was raised regarding the harm to the Green Belt due to the encroachment from the development, following which Councillor Boxall proposed, seconded by Councillor Banks and supported by the Committee, that the application be refused by reason of the introduction of two additional static caravans and two day units would result in an incongruous form of development and would result in sprawl of the existing site which strongly contributes to green belt purposes paragraph 143 a) NPPF (2024) as such would be inappropriate development for which no very special circumstances have been demonstrated to outweigh the harm caused by the inappropriateness.

In accordance with Council Procedure Rule 15.25, Part 4 Rules of the Constitution, it was

RESOLVED: That the planning application be DEFERRED for a report from Legal Services on the risks arising from a decision contrary to the recommendation of the Director of Planning, Housing and Environmental Health (as set out in CPR 15.25, Part 4 (Rules) of the Constitution).

[Speakers: Representatives of Birling Residents addressed the Committee in person].

AP2 25/20 TM/24/00078/PA - 119 LAND SOUTH OF WINDMILL HILL, WROTHAM HEATH, SEVENOAKS

Removal of soil bund and erection of 1x 3 bedroom detached dwelling with associated parking and landscaping.

Careful consideration was given to the points raised by the speakers and the submitted details and conditions set out in the report of the Director of Planning, Housing and Environmental Health.

RESOLVED: That the application be REFUSED for the following reasons:

- (1) The site lies within the Green Belt where there is a strong presumption against inappropriate development, as defined in Chapter 13 of the National Planning Policy Framework. The proposal would introduce a new building on land not previously developed and therefore would fall outside the scope of paragraph 154 g) of the NPPF relating to limited infilling and partial and complete redevelopment of previously developed land. It would constitute inappropriate development, by definition, harmful to the Green Belt and would not be permitted other than in very special circumstances. The additional bulk and massing resulting from this development would not only erode the sense of openness in both visual and spatial terms but also undermine the ability of the application site to assist in safeguarding the countryside from encroachment. There are no other considerations that could clearly and demonstrably outweigh the harm to the Green Belt and other harm arising from this development. To permit the development proposal would thus give rise to a significant conflict with Policy CP3 of the Tonbridge and Malling Borough Core Strategy 2007 and Chapter 13 of the National Planning Policy Framework 2024.
- (2) The development proposal by reason of its scale and siting would result in the loss of trees forming part of an ancient woodland identified in the NPPF as an irreplaceable habitat and in the MDEDPD as a local wildlife site. The failure to retain a minimum of 15m buffer zone as per the relevant standing advice would put further pressure on and creating conflict between the remaining habitat and the proposed development, detrimental to the biodiversity and integrity of the ancient woodland. Moreover, the supporting documents fail to give adequate consideration to the development impact on protected and priority species and consequently to formulate appropriate mitigation and compensation measures reasonably necessary to make this development policy compliant. These shortcomings would collectively give rise to a significant adverse impact on the ancient woodland and biodiversity of the site surroundings and would put protected and priority species at risk of disturbance contrary to Policies NE2, NE3 and NE4 of the Managing Development and the Environment Development Plan Document 2008 and Chapter 15 of the National Planning Policy Framework 2024.
- (3) The proposal would result in an overtly domestic form of development within a rural countryside location which would appear as an incongruous and intrusive built form, detrimental to the prevailing character and appearance of the countryside and the wider landscape. To permit the development would therefore be contrary to Policy CP24 of the Tonbridge and Malling Borough

Core Strategy 2007 and paragraph 187 of the National Planning Policy Framework 2024.

[Speakers: Cllr B Biggs Platt (on behalf of Platt Parish Council) and Mr I Sayer (applicant) addressed the Committee in person].

AP2 25/21 PLANNING APPEALS, PUBLIC INQUIRIES AND HEARINGS

The report setting out updates in respect of planning appeals, public inquiries and hearings since the last meeting of the Planning Committee was received and noted.

AP2 25/22 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 10.12 pm

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GLOSSARY of Abbreviations used in reports to Area Planning Committees

A

| | |
|------|--|
| AAP | Area of Archaeological Potential |
| AGA | Prior Approval: Agriculture (application suffix) |
| AGN | Prior Notification: Agriculture (application suffix) |
| 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 |
| AT | Advertisement consent (application suffix) |

B

| | |
|------|---|
| BALI | British Association of Landscape Industries |
| BPN | Building Preservation Notice |
| BRE | Building Research Establishment |

C

| | |
|--------|--|
| CA | Conservation Area (designated area) |
| CCEASC | KCC Screening Opinion (application suffix) |
| CCEASP | KCC Scoping Opinion (application suffix) |
| CCG | NHS Kent and Medway Group |
| CNA | Consultation by Neighbouring Authority (application suffix) |
| CPRE | Council for the Protection of Rural England |
| CR3 | County Regulation 3 (application suffix – determined by KCC) |
| CR4 | County Regulation 4 (application suffix – determined by KCC) |
| CTRL | Channel Tunnel Rail Link (application suffix) |

D

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|--------|--|
| DCLG | Department for Communities and Local Government |
| DCMS | Department for Culture, Media and Sport |
| DEEM | Deemed application (application suffix) |
| DEFRA | Department for the Environment, Food and Rural Affairs |
| DEPN | Prior Notification: Demolition (application suffix) |
| DfT | Department for Transport |
| DLADPD | Development Land Allocations Development Plan Document |
| DMPO | Development Management Procedure Order |
| DPD | Development Plan Document |
| DPHEH | Director of Planning, Housing & Environmental Health |
| DR3 | District Regulation 3 |
| DR4 | District Regulation 4 |
| DSSLT | Director of Street Scene, Leisure & Technical Services |

E

| | |
|------|--|
| EA | Environment Agency |
| EIA | Environmental Impact Assessment |
| EASC | Environmental Impact Assessment Screening request (application suffix) |
| EASP | Environmental Impact Assessment Scoping request (application suffix) |
| EH | English Heritage |
| EL | Electricity (application suffix) |
| ELB | Ecclesiastical Exemption Consultation (Listed Building) |
| EEO | Ecclesiastical Exemption Order |
| ELEX | Overhead Lines (Exemptions) |
| EMCG | East Malling Conservation Group |
| ES | Environmental Statement |
| EP | Environmental Protection |

F

| | |
|------|---|
| FRA | Flood Risk Assessment |
| FC | Felling Licence |
| FL | Full Application (planning application suffix) |
| FLX | Full Application: Extension of Time |
| FLEA | Full Application with Environmental Impact Assessment |

G

| | |
|------|--|
| GDPO | Town & Country Planning (General Development Procedure) Order 2015 |
| GOV | Consultation on Government Development |
| GPDO | Town & Country Planning (General Permitted Development) Order 2015 (as amended) |

H

| | |
|------|--|
| HE | Highways England |
| HSE | Health and Safety Executive |
| HN | Hedgerow Removal Notice (application suffix) |
| HWRC | Household Waste Recycling Centre |

I

| | |
|------|--|
| IDD | Internal Drainage District |
| IDB | Upper Medway Internal Drainage Board |
| IGN3 | Kent Design Guide Review: Interim Guidance Note 3 Residential Parking |

K

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|--------|---|
| KCC | Kent County Council |
| KCCVPS | Kent County Council Vehicle Parking Standards: Supplementary Planning Guidance SPG 4 |
| KDD | KCC Kent Design document |

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|------|------------------------------|
| KFRS | Kent Fire and Rescue Service |
| KGT | Kent Garden Trust |
| KWT | Kent Wildlife Trust |

L

| | |
|-------|--|
| LB | Listed Building Consent (application suffix) |
| LBX | Listed Building Consent: Extension of Time |
| LDF | Local Development Framework |
| LDLBP | Lawful Development Proposed Listed Building (application suffix) |
| LEMP | Landscape and Ecology Management Plan |
| LLFA | Lead Local Flood Authority |
| LMIDB | Lower Medway Internal Drainage Board |
| LPA | Local Planning Authority |
| LWS | Local Wildlife Site |
| LDE | Lawful Development Certificate: Existing Use or Development (application suffix) |
| LDP | Lawful Development Certificate: Proposed Use or Development (application suffix) |
| LP | Local Plan |
| LRD | Listed Building Consent Reserved Details (application suffix) |

M

| | |
|---------|--|
| MBC | Maidstone Borough Council |
| MC | Medway Council (Medway Towns Unitary Authority) |
| MCA | Mineral Consultation Area |
| MDE DPD | Managing Development and the Environment Development Plan Document |
| MGB | Metropolitan Green Belt |
| MHCL | Ministry of Housing, Communities and Local Government |
| MIN | Mineral Planning Application (application suffix, KCC determined) |
| MSI | Member Site Inspection |

MWLP Minerals & Waste Local Plan

N

NE Natural England

NMA Non Material Amendment (application suffix)

NPPF National Planning Policy Framework

O

OA Outline Application (application suffix)

OAEA Outline Application with Environment Impact Assessment (application suffix)

OAX Outline Application: Extension of Time

OB106D Details pursuant to S106 obligation (application suffix)

OB106M Modify S106 obligation by agreement (application suffix)

OB106V Vary S106 obligation (application suffix)

OB106X Discharge S106 obligation (application suffix)

P

PC Parish Council

PD Permitted Development

PD4D Permitted development - change of use flexible 2 year

PDL Previously Developed Land

PDRA Permitted development – change of use agricultural building to flexible use (application suffix)

PDV14J Permitted development - solar equipment on non-domestic premises (application suffix)

PDV18 Permitted development - miscellaneous development (application suffix)

PDVAF Permitted development – agricultural building to flexible use (application suffix)

PDVAR Permitted development - agricultural building to residential (application suffix)

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|--------|---|
| PLVLR | Permitted development - larger residential extension (application suffix) |
| PDVOR | Permitted development - office to residential (application suffix) |
| PDVPRO | Permitted development - pub to retail and/or office (application suffix) |
| PDVSDR | Permitted development storage/distribution to residential (application suffix) |
| PDVSFR | Permitted development (application suffix) PD – shops and financial to restaurant |
| PDVSR | Permitted development (application suffix) PD – shop and sui generis to residential |
| POS | Public Open Space |
| PPG | Planning Practice Guidance |
| PWC | Prior Written Consent |
| PROW | Public Right Of Way |

R

| | |
|----|---------------------------------------|
| RD | Reserved Details (application suffix) |
| RM | Reserved Matters (application suffix) |

S

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|------|--|
| SDC | Sevenoaks District Council |
| SEW | South East Water |
| SFRA | Strategic Flood Risk Assessment (background for the emerging Local Plan) |
| SNCI | Site of Nature Conservation Interest |
| SPAB | Society for the Protection of Ancient Buildings |
| SPD | Supplementary Planning Document |
| SSSI | Site of Special Scientific Interest |
| SW | Southern Water |

T

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|-------|--|
| TC | Town Council |
| TCAAP | Tonbridge Town Centre Area Action Plan |

| | |
|------------|--|
| TCS | Tonbridge Civic Society |
| TEPN56/TEN | Prior Notification: Telecoms (application suffix) |
| TMBC | Tonbridge & Malling Borough Council |
| TMBCS | Tonbridge & Malling Borough Core Strategy 2007 |
| TMBLP | Tonbridge & Malling Borough Local Plan 1998 |
| TNCA | Notification: Trees in Conservation Areas (application suffix) |
| TPOC | Trees subject to TPO (application suffix) |
| TRD | Tree Consent Reserved Details (application suffix) |
| TRICS | Trip Rate Information Computer System |
| TWBC | Tunbridge Wells Borough Council |

U

| | |
|-------|---|
| UCO | Town and Country Planning Use Classes Order 1987 (as amended) |
| UMIDB | Upper Medway Internal Drainage Board |

W

| | |
|-----|--|
| WAS | Waste Disposal Planning Application (KCC determined) |
| WTS | Waste Transfer Station |

(Version 2/2021)

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Leybourne
Birling Leybourne And
Ryarsh

28 MAY 2025

TM/24/00366/PA

Location: Land Opposite The Paddocks, Birling Road, Leybourne, West Malling

Proposal: S73 Application for variation of conditions 3 and 4 submitted pursuant to Appeal ref APP/H2265/C/21/3280661 to allow for the siting of an additional 2 static caravans and 2 utility rooms within existing pitches.

Go to: [Recommendation](#)

1. Introduction

1.1 Members will recall that this application was reported to APC2 on 2 April 2025.

1.2 Following the debate, members voted to refuse the planning application on the following ground.

The proposal by reason of the introduction of two additional static caravans and two day units would result in an incongruous form of development would result in sprawl of the existing site which strongly contributes to Green Belt purposes Paragraph 143 a) NPPF (2024) as such would be inappropriate development for which no very special circumstances have been demonstrated to outweigh the harm caused by the inappropriateness.

1.3 Members were advised by the Director of Planning, that the ground, as set out above, cannot be substantiated, consequently the application was adjourned to allow for legal services to provide Committee Members with a report setting out the risks involved should the application be refused for the ground set out above.

1.4 This is in line with the Council's Constitution (CPR 15.15) which sets out, as follows:

"If, contrary to a recommendation of the Director of Planning, Housing & Environmental Health, an Area Planning Committee is minded to determine an application in a way or on grounds which the Director does not consider can be substantiated, the application shall stand adjourned to the next meeting of the committee to enable the Director of Central Services and Monitoring Officer to submit a report on the possibility of costs or compensation being awarded against the Council in the event that the application is determined in that way.

If the Director of Central Services and Monitoring Officer's report indicates that there is likely to be a significant risk of costs being awarded against the Council at any appeal, or a potential liability to pay compensation, the committee may not determine the application in a manner contrary to the advice set out in the report, and a

resolution by the committee to make such a determination will be a recommendation only and the application shall stand adjourned to Council for determination”.

- 1.5 The APC2 2 April 2025 committee report can be found at Appendix 1. The report of the Director of Central Services and Monitoring Officer is contained within Part 2 of the agenda. This report should be read in conjunction with both of those documents.

2. Determining Issues:

- 1.1 There have been no amendments or change to national or local plan policy since the application was adjourned, as such the description of development, history, consultee responses, third party comments together with the assessment of the application all remain as per the original officer's committee report.
- 1.2 This report seeks to clarify why Officers are of the opinion that the refusal reason cannot be substantiated.
- 1.3 As set out above the ground for refusal is as follows:

The proposal by reason of the introduction of two additional static caravans and two day units would result in an incongruous form of development would result in sprawl of the existing site which strongly contributes to Green Belt purposes Paragraph 143 a) NPPF (2024) as such would be inappropriate development for which no very special circumstances have been demonstrated to outweigh the harm caused by the inappropriateness. The development has been assessed against current national and local plan policies and members are directed to the committee report which sets out the correct procedure when assessing sites in the Green Belt.

- 1.4 Therefore, the main issues to review are:

- Does the development result in an incongruous form of development;
- Does the development result in 'Sprawl';
- Is the site within a 'large built-up area'; and
- Does the site 'Strongly' contribute to Green Belt purposes.

Does the development result in an incongruous form of development:

- 1.5 To be incongruous the proposal would need to be out of keeping or incompatible with the surrounding area.
- 1.6 In this case, the proposal seeks to vary the conditions 3 and 4 to allow two additional static caravans and two day units within the existing compound.

- 1.7 The existing compound comprises static caravans and day units, as such Officers are of the opinion that the proposal would not be 'incongruous' and would in fact be in keeping with the existing development.

Does the development result in Sprawl.

- 1.8 Paragraph 143 of the NPPF relates to the five purposes of the Green Belt, for clarification these are:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 1.9 Criterion a) which is referred to in the ground for refusal relates in part to unrestricted sprawl.
- 1.10 The proposal is for two additional static caravans and associated day rooms, these are proposed to be located within the existing defined and approved compound area. As such it is Officers' opinion is that the caravans and day rooms could not result in 'sprawl' as they do not encroach further into the Green Belt from that which has already been approved, albeit temporary.

Is the site within a large built-up area.

- 1.11 Criterion a) Paragraph 143 is clear that it relates to 'large built-up areas' only.
- 1.12 In February 2025 the Government published new Planning Policy Guidance (PPG), which sought to clarify in more detail areas around the concept of 'Grey Belt' land within the Green Belt, which was introduced within the December 2024 NPPF update (and referred to in the original committee report).
- 1.13 PPG Paragraph: 006 Reference ID: 64-006-20250225 states "When making judgements as to whether land is grey belt, authorities should consider the contribution that assessment areas make to Green Belt purposes a, b, and d. Considerations for informing these judgements are set out below":
- 1.14 In regard to purpose A – to check the unrestricted sprawl of large built-up areas. The PPG is clear that "Villages should not be considered large built-up areas".

1.15 While Leybourne is considered an urban area within the Core Strategy for the purposes of Policy CP11, officers cannot reasonably argue that it would be considered a “large built-up area” in the context of the National Planning Policy Framework (NPPF) or the Planning Practice Guidance (PPG) on the Green Belt. Although the NPPF does not provide a specific definition for villages, Leybourne's scale, location, and range of facilities more closely align with the characteristics typically associated with a village. Therefore Paragraph 143 a) does not apply and cannot be applied in this instance to the site.

Does the site ‘Strongly’ contribute to Green Belt purposes.

1.16 Turning next to whether the site ‘strongly’ contributes to Green Belt purposes. PPG provides guidance on this matter.

1.17 It states for a site to ‘strongly’ contribute to the Green Belt under PPG.

“Assessment areas that contribute strongly are likely to be free of existing development and lack physical feature(s) in reasonable proximity that could restrict and contain development.

They are also likely to include all of the following features:

- be adjacent or near to a large built-up area
- if developed, result in an incongruous pattern of development (such as an extended “finger” of development into the Green Belt)”

1.18 It has already been established that the site is not adjacent to or near a large built-up area. It has also been established that the addition of two static caravans and two utility rooms would not result in an incongruous pattern of development which would extend the finger of development further into the Green Belt.

Conclusion

1.19 For the reason as set out above, Officers are of the opinion that the grounds for refusal are unsubstantiated and undefendable at appeal.

2. Recommendation: Approve subject to those conditions set out in the original committee report. (see Appendix 1).

Contact: Susan Field

Leybourne
Birling Leybourne And
Ryarsh

02 APRIL 2025

TM/24/00366/PA

Location: Land Opposite the Paddocks, Birling Road Leybourne West Malling

Proposal: S73 Application for variation of conditions 3 and 4 submitted pursuant to Appeal ref APP/H2265/C/21/3280661 to allow for the siting of an additional 2 static caravans and 2 utility rooms within existing pitches.

Go to: [Recommendation](#)

1. Description of Proposal:

- 1.1 Temporary planning permission was granted on appeal (APP/H2265/C/21/3280661) for the material change of use of the land to use for the stationing of caravans for residential purposes and associated development including the stationing of mobile washroom and toilet facilities, construction of a septic tank, construction of hard surfaces, and the erection of fences and gates.
- 1.2 The temporary permission was granted subject to seven conditions. Condition 3, relates to the quantum of development stating “No more than 6 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 2 shall be a static caravan) shall be stationed on the site at any time.”
- 1.3 Condition 4, related to the submission of a Site Development Scheme, to include details of: proposed and existing external lighting on the boundary of and within the site; the internal layout of the site, including the siting of caravans; areas for vehicular access and turning and manoeuvring; the means of foul water drainage of the site; areas of hardstanding; fencing and other means of enclosure; hard and soft landscaping including details of finished hard surface materials, species, plant sizes and proposed numbers and densities, along with details of soft landscaping maintenance, shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation.
- 1.4 Details in relation to Condition 4 were submitted under reference 23/00423/RD and approved 07 June 2023.
- 1.5 This Section 73 application seeks to vary Condition 3 and subsequently amend Condition 4 (pursuant to Appeal ref APP/H2265/C/21/3280661) to allow for the siting of an additional 2 static caravans and 2 utility rooms within existing pitches.
- 1.6 The application does not alter the number of pitches per se, which currently comprises 4 pitches nor does the proposal increase the area of the site.

2. Reason for reporting to Committee:

- 2.1 The application is present to committee at the request of Councillor Boxall on the grounds that temporary planning permission has already been awarded by the planning Inspector granting *'No more than 6 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 2 shall be a static caravan) shall be stationed on the site at any time'*. This alone stood in conflict with the purposes of including the land in the Green Belt. With the further addition of 2 more static caravans increasing the overall to 8 and there are no material factors that would amount to the very special circumstances required to clearly outweigh the harm identified to the openness of the Green Belt. It would fail to comply with the exceptions to inappropriate development in paragraph 154 of the NPPF, and Policy CP3 of the TMBCS which directs proposals should preserve the openness of the Green Belt, without conflicting with the purposes of including the land within the Green Belt

3. The Site:

- 3.1 The application sites comprise of a roughly rectangular shaped plot of land, approximately 60 metres long and 26 metres wide. The site lies on the eastern side of the Birling Road and comprises a temporary gypsy/traveller site. The site is reasonably well screened and is not readily visible within the street scene.
- 3.2 Public Bridleway MR130A runs along the north-eastern site boundary, with the A228 a short distance further to the east of the site. The site lies within the open countryside and is designated as Metropolitan Green Belt.

4. Planning History (most relevant):

23/00423/RD - Approved - 07 June 2023

Details of condition 4 submitted pursuant to allowed appeal ref.

APP/H2265/C/21/3280661 (21/00034/ENFNOT) to enforcement notice Enforcement 21/00225/USEH

21/00225/USEH (EN) / APP/H2265/C/21/3280661 - Appeal Allowed December 2022
Material change of use of the Land to use for the stationing of caravans for residential purposes and associated development including the stationing of mobile washroom and toilet facilities, construction of a septic tank, construction of hard surfaces, and the erection of fences and gates - Granted on a temporary basis for 5 years.

22/00708/FL - Declines To Determine - 13 June 2022

Change of use of land to residential for members of the Gypsy Traveller community. The site to contain two static caravans, five touring caravans, parking, hardstanding, and associated infrastructure. This application is part retrospective.

5. Consultees:

5.1 Whilst some comments have been summarised for the purpose of this report, all statutory and third-party comments have been reviewed in full. Moreover, comments may not have been specifically referred to within the assessment, all comments have been taken into consideration prior to the determination of the application.

5.2 *Leybourne Parish Council: Object for the following reasons:*

- The proposed development violates the conditions set by the appointed Inspector during the previous hearing, and no substantial changes have occurred since that decision.
- At the previous hearing, the Inspector placed a condition on the green belt site, limiting the total number of caravans to six, with a maximum of two being static. This condition was established to regulate the impact of development on the green belt area and ensure compliance with relevant regulations.
- The applicant has indicated that the custom and practice of the traveller community involves initially locating on a site with a touring caravan, followed by the addition of a mobile home and a dayroom/utility room. This arrangement is considered suitable accommodation for a Gypsy/Traveller family and aligns with the basis of a typical pitch. It is important to note that the Inspector would have been aware of this customary practice when making the original determination. Therefore, as nothing substantial has changed since then, the current application should be refused in accordance with the established conditions.
- Allowing the proposed development would set a precedent for disregarding established planning conditions and undermine the integrity of the planning process. It is crucial to uphold the conditions set forth by the Inspector to maintain the integrity of the site and its surroundings.

5.3 *West Malling Parish Council: Object for the following reasons:*

- The Parish Council supports the condition imposed by the Inspector at the appeal hearing to limit the number of caravans on the site which sits within the Green Belt.
- WMPC support Leybourne PC in that this condition will regulate the impact of development on this Green Belt Site and should remain.
- WMPC agrees with Leybourne PC that allowing the proposed development would undermine both the integrity of the planning process and the site.

5.4 Private Reps: A total of 52 representations were received objection to the proposal. Those comments relating to 'planning' matters are summarised as follows:

- Was originally an unauthorised change of use from agricultural land to use as a residential caravan site, in breach of planning control.

- The development is an intrusion onto formally undeveloped open land which conflicts with the purpose of Green Belts.
- Could set a precedent for any owners of local fields and paddock to illegally develop their land.
- No significant changes in circumstances have been presented to warrant variation.
- The site has not been landscaped appropriately and there are ugly areas of hardstanding and metal gates which can be seen from the road.
- There is a great deal of wildlife left in this piece of land that has nowhere else to go.
- This is only supposed to be a temporary settlement to enable the residents to access school. This does not appear to be the long-term plan.
- Surely the fact that the dwellings are static means that the owners cannot rely on traveller rights as they will not be travelling.
- There is only a temporary permit at present so the request for additional 2 caravans and 2 utility blocks is unreasonable.
- The proposed variation to the planning permission would drastically allow the site to become even more dominant.
- West Malling/Leybourne is a rural wooded area loved by walkers and it should not be allowed to lose its character.
- The site has next to no screen buffering.
- The conditions imposed at the Pins hearing where to ensure removal of the caravans and secure the restoration of the site after the 5 year period.
- The site is not previously developed land.
- The caravans maybe single storey but the neighbouring properties are not and the site can be clearly seen from upper floors. The visual and noise pollution would increase.
- All new development should protect conserve and enhance the character and local distinctiveness of the area including the prevailing level of tranquillity.
- The Planning Inspector's decision in December 2022 was predicated on two crucial points: 1) The inadequate provision of Traveller sites by TMBC and 2) The personal circumstances of the appellants, particularly their children, creating the Very Special Circumstances required to overcome harm to Green Belt land.
- Rejecting this application is essential to uphold planning integrity, prevent further encroachment on Green Belt land.

- Any further units permitted within this site would represent over development of what should be a protected green belt site within a natural environment.
- Will create more material harm to the local community, amenity and character of West Malling and the variation to the terms of the temporary planning permission would drastically alter the local landscape allowing the site to become even more dominant.

6. Procedural Matters and material considerations:

- 6.1 Turning first to comments made by the Parish Councils in relation to *“Allowing the proposed development would set a precedent for disregarding established planning conditions and undermine the integrity of the planning process. It is crucial to uphold the conditions set forth by the Inspector to maintain the integrity of the site and its surroundings”*.
- 6.2 It is first important to clarify that the planning process has an established mechanism in place which allows for the ‘Removal or Variation of conditions imposed on a planning application, (which is also referred to as a Section 73 application). An application for the removal or variation of a condition can be used to change or remove conditions which have been previously imposed. Therefore, allowing the proposed development would not set a precedent for disregarding conditions imposed or undermine the integrity of the planning process.
- 6.3 The LPA can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide that the original conditions(s) should continue.
- 6.4 It is also important to note that there has been a fundamental change to National Policy since the granted the appeal decision (as referenced above). The updated NPPF published on 12 December 2024 is a material consideration in the determination of the application.

7. Determining Issues

Policy Guidance

- 7.1 Under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Local Planning Authority is required to determine planning applications and other similar submissions in accordance with the Development Plan in force unless material considerations indicate otherwise.
- 7.2 The Development Plan currently in force for this area comprises the Tonbridge and Malling Local Development Framework Core Strategy (TMBCS) adopted in September 2007, the saved policies of the Tonbridge and Malling Borough Local Plan 1998 (TMLP), Development Land Allocations DPD (DLA DPD) adopted in April

2008 and the Managing Development and the Environment DPD (MDE DPD) adopted April 2010.

- 7.3 The National Planning Policy Framework (“NPPF 2024”) the associated National Planning Practice Guidance (“NPPG”) and National Design Guide are important material considerations.
- 7.4 In addition, Planning Policy for Traveller Sites (PPTS) (December 2024), TMBC Gypsy and Traveller and Travelling Show-person Accommodation Assessment (July 2022) and TMBC Gypsies, Travellers and Travelling Show-people Position Statement (December 2024) are also material considerations in this case.

Principle of Development

- 7.5 The application relates to an existing gypsy/traveller site. The definition of Gypsies and Travellers is set out in Annexe 1 PPTS (December 2024) as follows:

“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling show-people or circus people travelling together as such”.

- 7.6 The application confirms the gypsy status of the applicant and their dependents, and the provision of static units (Caravans) constitute housing development.
- 7.7 As Members are aware, the Council cannot currently demonstrate an up-to-date five-year supply of housing when measured against its objectively assessed need (OAN).
- 7.8 In addition, as set out in TMBC Gypsies, Travellers and Travelling Show-people Position Statement (December 2024) the Council cannot demonstrate a 5 year supply of Gypsy and Traveller sites.
- 7.9 As a consequence, the presumption in favour of sustainable development as set out at paragraph 11 of the NPPF (2024) must be considered. For decision taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.

7.10 In relation to Paragraph 11d (i) Footnote 7 (NPPF) provides a list of those policies that relate to protected areas and assets of particular importance, including land within the Green Belt, in which the application site lies. Therefore, it must first be established whether the policies in this Framework that protect areas or assets of particular importance provide a 'strong' reason for refusing the development.

Green Belt.

7.11 As noted above the site lies within the Metropolitan Green Belt, wherein Policy CP3 of the Core Strategy states that the Council will apply National Green Belt Policy. Paragraphs 153 – 160 of the NPPF relate specifically to the determination of proposals that affect the Green Belt.

7.12 Paragraph 153 of the NPPF requires local planning authorities, when considering applications, to ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. However, Footnote 55 of the NPPF specifically states that the requirement to give any harm to the Green Belt substantial weight does not apply in the case of development on Green Belt land, where it is not inappropriate.

7.13 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

7.14 Paragraph 154 of the NPPF states that development in the Green Belt is inappropriate unless one of the listed exceptions applies. It is noted that criterion g) allows for the partial or complete redevelopment of 'previously developed land' (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.

7.15 The Planning Statement submitted with the application suggest compliance with Paragraph 154 g) (NPPF). However, in order for criterion g) to be considered, it first needs to be established if the site comprises PDL.

7.16 Annex 2 NPPF provides a definition of what constitutes 'previously developed land', it states:

“Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape”

7.17 The site has been lawfully developed by the grant of permission on appeal in December 2022 which allowed for the material change of use of the land to use for the stationing of caravans for residential purposes and associated development including the stationing of mobile washroom and toilet facilities, construction of a septic tank, construction of hard surfaces, and the erection of fences and gates. However, it is noted that the permission was granted on a ‘temporary basis’ with a condition for the land to be restored to its original condition before the development took place.

7.18 The definition of PDL is clear in that it excludes, ‘*land where provision for restoration has been made through development management procedures*’, which in this case would relate to Condition 1 of the appeal decision, this states:

The use hereby permitted shall be for a limited period being the period of 5 years from the date of this decision. At the end of this period the use hereby permitted shall cease, all caravans, buildings, structures, materials and equipment brought onto, or erected on the land, or works undertaken to it in connection with the use shall be removed, and the land restored to its condition before the development took place.

7.19 Therefore, the site would not comprise PDL and as such does not meet any of the exception criteria set out in paragraph 154 criterion a to h (NPPF).

Grey Belt

7.20 Whilst the publication of the new NPPF did not alter the fundamental principles of protecting Green Belt land, in addition to the exceptions of those listed in paragraphs 154 (a) – (h) (NPPF), Paragraph 155 states that the development of homes, (and it has already been established that the proposal would relate to homes) commercial and other development in the Green Belt should also not be regarded as inappropriate where:

- a) The development would utilise ‘grey belt’ land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;

- b) There is a demonstrable unmet need for the type of development proposed;
- c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
- d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below.

7.21 Turning first to criterion a) the NPPF at Annex 2 provides a definition for Grey Belt: this set out that for the purposes of plan-making and decision-making, 'grey belt' is defined as:

"Land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in Paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development" (my emphasis added).

7.22 The site is not in a protected area, nor is it an asset of particular importance identified in Footnote 7 of the NPPF. It has already been established that the site does not comprise PDL, therefore it could only be considered 'Grey Belt' if it constitutes 'any other land that does not 'strongly' contribute to the Green Belt purposes (a), (b), or (d) as set out in Paragraph 143. These are:

- a) To check the unrestricted sprawl of large built-up areas.
- b) To prevent neighbouring towns merging into one another
- d) To preserve the setting and special character of historic towns

7.23 Due to the location and size of the site it is not considered that the site would 'strongly' contribute to the 3 purposes as set out above, the proposal would not result in sprawl of a large built up area, result in neighbouring towns merging together or affect the setting or special character of a historic town, as such the site would qualify as 'Grey Belt' land.

7.24 Turning next to Criterion b) – the Council cannot demonstrate a five year supply of deliverable Gypsy and Traveller site as confirmed within TMBC Gypsies, Travellers and Travelling Showpeople Position Statement December 2024. Therefore, there is a demonstrable unmet need for the type of development proposed.

7.25 In regard to c), this requires development to be in a sustainable location. Footnote 57 also notes in the case of development involving the provision of traveller sites, particular reference should be made to Planning Policy for Traveller sites paragraph 13. Paragraph 13 (PPTS) notes:

“Local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Local planning authorities should, therefore, ensure that their policies:

a) promote peaceful and integrated co-existence between the site and the local community;

b) promote, in collaboration with commissioners of health services, access to appropriate health services;

c) ensure that children can attend school on a regular basis;

d) provide a settled base that reduces both the need for long-distance travelling and possible environmental damage caused by unauthorised encampment;

e) provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development;

f) avoid placing undue pressure on local infrastructure and services;

g) do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans; and

h) reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability”.

7.26 In this regard it is noted that the Inspector (appeal decision APP/H2265/C/21/3280661) at paragraph 15, considered the location of the site ‘suited to the development’. It was also noted in the same paragraph that amongst other things ‘the site was reasonably accessible to shops, schools and other community facilities’. Therefore, there is no conflict with criterion c).

7.27 Criterion d) is not applicable in this case as the proposal does not comprise major development, therefore the site meets all ‘relevant’ criteria as set out in paragraph 155 (NPPF) and as such would not be regarded as inappropriate development.

7.28 Finally, regarding the previous appeal decision, the inspector concluded that the proposal by reason of it being inappropriate development was harmful to the Green Belt by definition. This definitional harm no longer exists following the revision of the NPPF published in December 2024, which now allows development of homes amongst other things on Grey Belt land.

7.29 The appeal decision also identified further harm through the loss of openness and encroachment on the countryside; both of which afforded substantial weight at the time. Nevertheless, given the site in question is now qualified as Grey Belt defined in Annex 2 of the NPPF, where development is not inappropriate, harm, if any, to Green

Belt and its openness could no longer be afforded substantial weight in the same way as the inspector did, especially in light of Paragraph 153 and Footnote 55.

- 7.30 Furthermore, although safeguarding the countryside from encroachment remains one of the five Green Belt purposes listed in Paragraph 143, it is not a criterion for the purposes of assessing Grey Belt land. In any event, given the scale and nature of development in question, it is not capable of fundamentally undermining the purposes of the remaining Green Belt across the area of the plan including its ability in safeguarding the countryside from encroachment.

Gypsies/Travellers

- 7.31 Although somewhat dated it is still useful to consider the application with regard to Policy CP20 of the TMBCS. This policy relates specifically to Gypsies, Travellers and Travelling Show-people. Part 1 refers to the Gypsy and Traveller Development Plan Document 2008 and the now defunct South East Plan states that first consideration will be given to the limited expansion of one or both of the publicly controlled sites in the Borough.
- 7.32 Part 2 sets out specific criteria against which applications for accommodation for gypsies and travellers are to be assessed this being:
- (a) there is an identified need that cannot reasonably be met on an existing or planned site;
 - (b) residential or rural amenity is not prejudiced as a result of visual intrusion, excessive noise, lighting, traffic generation or activity at unsocial hours;
 - (c) the site respects the scale of, and does not dominate, the nearest settled community;
 - (d) the site can adequately be accessed by vehicles towing caravans and there is safe pedestrian and cycle access to the site; and
 - (e) the site is reasonably accessible to shops, schools and other community facilities on foot, by cycle or public transport;
- 7.33 The policy concludes that there will be a presumption against the development of gypsy and traveller accommodation (including sites for travelling showpeople) in the Green Belt unless there are very special circumstances. This element of the policy no longer accords with the NPPF and Planning Policy for Traveller Sites (PPTS) 2024. Paragraph 219 of the NPPF states that due weight should be given to those pre-NPPF policies, according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. In light of the above, officers do not consider the aforementioned policies to carry any weight in the assessment of this application.

7.34 As already acknowledged TMBC cannot demonstrate a 5 year supply of housing or pitches for gypsies and travellers so there is a clear identified need and thus the proposal meets criterion a) of policy CP20.

7.35 The additional two mobile homes (caravans) are 'static' caravans and therefore will remain on site for the duration of the permission as would the two utility rooms, as such whilst the additional units may result in an increase in vehicle movements, this would not be so severe as to warrant a refusal of planning permission on this basis.

7.36 In addition, it is also considered that the two additional static caravans would not result in any significant increase in usage which would prejudice local residential and/or rural amenity.

7.37 With regard to traffic movement, it is also necessary to consider Policy SQ8 of the MDE DPD which states that development will only be permitted where there will be no significant harm to highway safety. In addition, paragraph 116 (NPPF) continues to state that development should only be refused on transport grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts of the development would be severe. As concluded above, the potential increase in traffic movement would not have a severe impact on highway safety. Consequently, the proposal meets criterion b) of policy CP20, in addition to the other relevant local and national planning policies.

7.38 With regard to criterion c) of policy CP20, the application site whilst only granted a temporary permission for 5 years, is well established, and the supporting evidence put forward at the appeal stage is still a material consideration. The proposal would not increase the number of pitches per se and as such the scale of the proposal remains acceptable and would not dominate the village. The proposal therefore meets criterion c) of policy CP20.

7.39 The site is accessed via an existing access, this Section 73 application does not relate to any touring caravans. It has already been noted that the Inspector considered the site reasonably accessible to shops, schools and other community facilities. It can therefore be concluded that the proposal meets criteria d) and e) of policy CP20.

Other Matters/Planning Balance

7.40 In reaching the conclusion to grant permission the Inspector considered a number of factors, of most relevant were the unmet need in the Borough for Gypsy and Traveller sites; the availability of alternative sites; and the personal circumstance of the applicant. Within the planning balance the Inspector identified harm to the Green Belt by reason of inappropriate development and further harm due to the loss of openness and encroachment on the countryside both of which attracted substantial weight in the planning balance.

- 7.41 However, notwithstanding this harm the Inspector noted (Paragraph 25) for traveller sites, the Council has not seen sufficient sites coming forward through the development plan process to meet its obligations. There is not a 5-year supply of sites, nor is there any alternative site at present, and a strategy for addressing the need has yet to be developed through the local plan preparation process. These matters remain unchanged.
- 7.42 At paragraph 27 the Inspector noted *“In balancing these opposing considerations and their respective weights, the harm to the Green Belt weighs very heavily against the retention of the development on a permanent basis, which would entail a permanent loss of openness and permanent encroachment on the countryside, and I consider that the considerations in favour of the appeal, while very substantial, do not clearly outweigh the totality of the harm. Accordingly, I conclude that very special circumstances to justify this development in the Green Belt on a permanent basis do not exist”*.
- 7.43 The Inspector gave great weight to the harm to openness, and this formed the basis for the imposition of a temporary condition and for a condition restricting occupation of the site to gypsies and travellers.
- 7.44 In addition, the Inspector imposed a condition to limit the number of caravans using the site; preclude commercial activity and the parking of larger commercial vehicles; and remove certain permitted development rights. The rationale for the imposition of this condition was in the interest of the character and appearance of the site (in regard to the Green Belt) and surrounding area, and to safeguard residential and visual amenity. Similar conditions would be imposed to enable the Council to regulate and control any further development in the interests of amenity and privacy given that permission is granted on a temporary basis.
- 7.45 However, it is material to note that due to the changes in national policy the site is now considered Grey Belt and as such the proposal would comply with Paragraph 155 of the NPPF and therefore is appropriate development.
- 7.46 Moreover, it has been demonstrated that the introduction of two static caravans and two utility rooms, would not intensify the use of the site, nor would it increase vehicle movements or prejudice local residential and/or rural amenity.
- 7.47 Return therefore to the presumption in favour of sustainable development as set out at paragraph 11 d of the NPPF. As Grey Belt land there are no policies in the Framework that would provide a ‘strong’ reason for refusing the development proposed, moreover, no adverse impacts of doing so have been identified that would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 7.48 Therefore, the presumption in favour of development must apply in this case and consequently, the application is recommended for approval subject to those relevant conditions imposed on the original application being carried forward.

8. Recommendation:

8.1 APROVE subject to the following:

1. The use hereby permitted shall be for a limited period being the period of 5 years from the date of the appeal decision APP/H2265/C/21/3280661 dated 7th December 2022. At the end of this period the use hereby permitted shall cease, all caravans, buildings, structures, materials and equipment brought onto, or erected on the land, or works undertaken to it in connection with the use shall be removed, and the land restored to its condition before the development took place.

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

2. The site shall not be occupied by any persons other than persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

Reason: To ensure the site provides accommodation for those who meet the definition of Gypsies and Travellers.

3. No more than 8 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 4 shall be a static caravan) shall be stationed on the site at any time.

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

4. The development shall be carried out in accordance with the approved drawings listed below and shall be retained for the duration of the development.

As proposed site plan – Drawing No. J004813-DD-02

As proposed utility plans – Drawing no. J004813-DD-02

As proposed utility elevations - Drawing no. J004813-DD-03

Drawing nos: SDS-P1-2023 (Site Development Scheme) and SPS-P2-2023 (Site Development Scheme) received on 06/06/2023 show vehicular turning diagrams

Drawing no: SDS-07-2023 (Site Development Scheme) received on 06/06/2023 shows landscaping and lighting details .

Landscaping – Planting and Maintenance Schedule received on 06/06/2023

Technical Specification of the Louvre Outdoor Bollard received on 03/03/2023

Technical Specification of the External/Fence Down Lighters on 03/03/2023

Drawing No: HS-01-2023 received on 03/03/2023 shows the details of tarmac surface

Details of gravelled surface received on 03/03/2023

Drawing no: HWA-01-2023 (Proposed Access) received on 03/03/2023

Drawing no: PRF-01-2023 (Post & Rail Fence) received on 03/03/2023

Drawing no: WPF-02-2023 (Close Board Timber Fencing Details) received on 03/03/2023

Drawing no: EN 8 PE STD Rev. A (Details of septic tank) received on 07/03/2023

Drawing no: ES 8 Rev. A (Details of septic tank) received on 07/03/2023

Marsh Sewage Treatment Septic Tank Installation & Technical Handbook received on 07/03/2023

Marsh Microbe Mini Sewage Treatment Plant Technical Specification received on 07/03/2023

Marsh Package Sewage Treatment Plant Specification received on 07/03/2023

Marsh Package Sewage Treatment Plant Installation and Operation Manual received on 07/03/2023

Marsh Ultra Polylok / Ensign Sewage Treatment Plant Installation and Operation Manual received on 07/03/2023

Reason: For avoidance of doubt and in the interests of proper planning.

5. No commercial activities shall take place on the land, including the storage of materials.

Reason to ensure the development does not harm the character and appearance of the area or visual amenity of the locality

6. No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

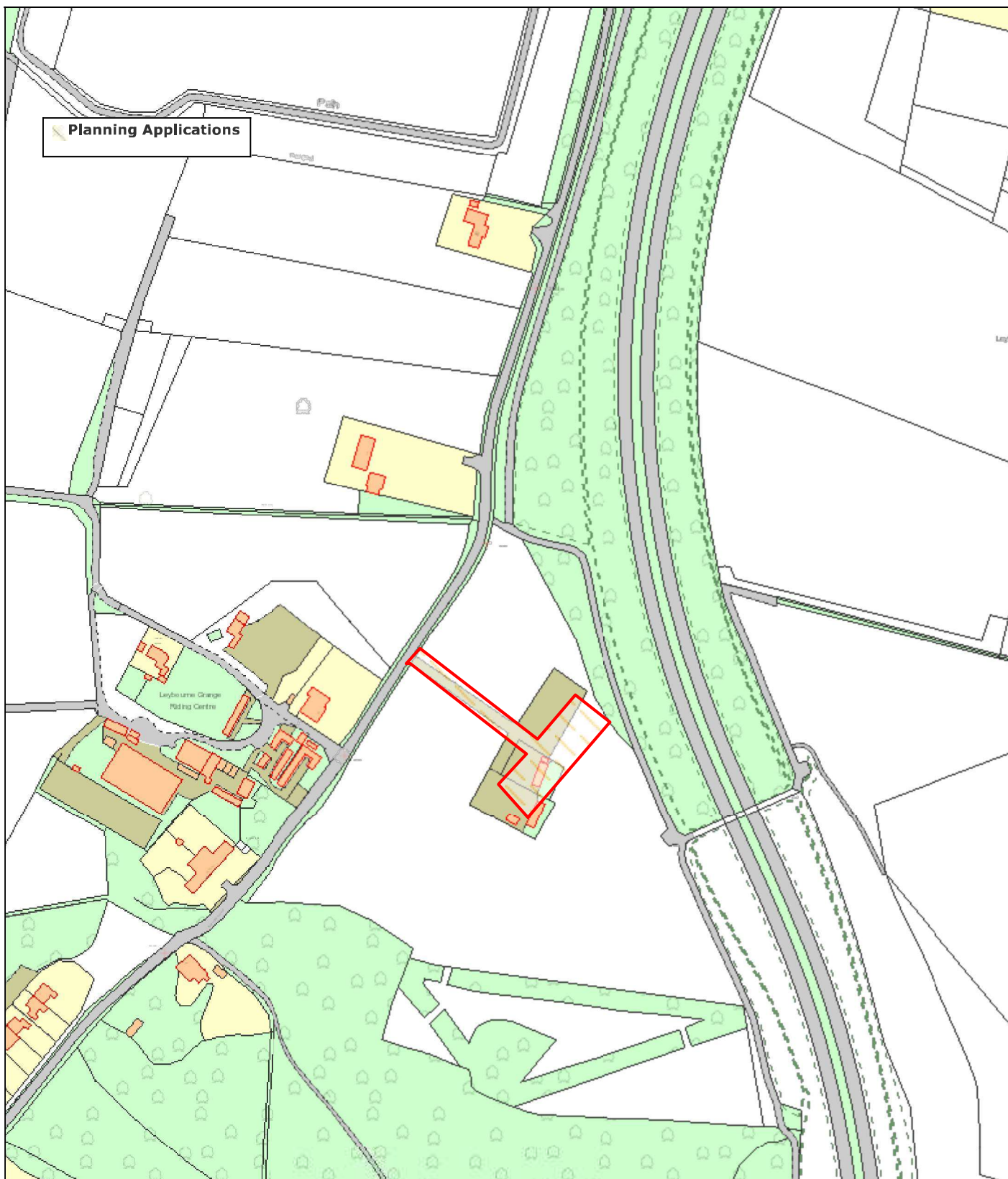
Reason to ensure the development does not harm the character and appearance of the area or visual amenity of the locality.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no sheds or amenity/utility buildings, or other buildings or structures, walls, fences or other means of enclosure other than those approved under condition 4 above shall be erected on the site unless details of their size, materials and location shall have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

Contact: Susan Field

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Planning Applications 24/00366/PA

Scale: 1:2500



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Date: 15/5/2025 10:56

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Offham

28 MAY 2025

TM/24/01900/PA

East Malling West Malling
And Offham

Location: Stocketts, Aldon Lane, Offham, West Malling ME19 5PH

Proposal: Demolition of existing dwelling, garage and former stables and erection of a new self build replacement detached dwelling (for the owners own personal use - custom build).

Go to: [Recommendation](#)

1. Description of Proposal:

- 1.1 Planning permission is sought for the demolition of the existing dwelling, garage and former stables and the erection of a replacement detached dwelling.
- 1.2 The existing main house, large garage with accommodation over and stables are proposed to be removed. The planning statement also sets out that a series of static mobiles are also proposed to be removed, however as these are not permanent buildings the Council has not taken the removal of the static mobiles into account in the assessment of the application.
- 1.3 The proposed dwelling when approaching from the access would appear as a three storey dwelling with the uppermost level of accommodation within the roof slope served by modest dormer windows. From the rear the dwelling would appear as two storey with the upper level of accommodation within the roof slope.

2. Reason for reporting to Committee:

- 2.1 This application is referred to Committee by Councillor Trudy Dene on the grounds that the moving of the house into the Green Belt is an important change.

3. The Site:

- 3.1 Stocketts is a detached two storey dwelling with dormers to the north and south facing elevation, set adjacent to the northern boundary of an irregular shaped plot. The site is located south-east of Aldon Lane, north-west of Offham and east of Wrotham Heath. To the northeast of the main dwelling is a large ancillary domestic outbuilding used for car parking and additional ancillary accommodation.
- 3.2 The site lies outside the settlement confines of Offham Village, within the Countryside and Metropolitan Green Belt. A small section of the access falls just within the Aldon Offham Conservation Area.

- 3.3 There is also a Tree Preservation Order on the site relating to a horse chestnut tree located at the beginning of the access. A public right of way marks the eastern boundary.

4. Planning History (relevant):

24/00209/PA - under consideration

Removal of small section of modern boundary wall and enlargement of driveway to allow vehicle maneuvering.

24/00913/PA - Approved - 07 August 2024

Details of Condition 2 (Materials) and 6 (soft landscaping) submitted pursuant to planning permission TM/23/03246/HH (Erection of a garage and home gym incidental to the main dwelling and creation of hardstanding (alternative to 23/01907/LDP))

23/03383 - Refuse - 16 February 2024

Remodeling and realignment of the existing access to allow vehicles to enter from the east, including replacement of the existing frontage wall and erection of new railings and electric gates

23/03246 - Approved - 26 January 2024

Erection of a garage and home gym incidental to the main dwelling and creation of hardstanding (alternative to 23/01907/LDP)

23/01907/LDP - Certifies - 02 November 2023

Lawful Development Certificate Proposed: Erection of a garage and home gym incidental to the main dwelling and creation of small additional driveway to provide vehicle maneuvering

23/01228/LDP - Refuse - 27 July 2023

Lawful Development Certificate Proposed: Erection of a detached garage incidental to the main dwelling and driveway to provide vehicle access (Resubmission of TM/23/00920/LDP)

23/00920/LDP - Refuse - 15 June 2023

Lawful Development Certificate Proposed: Erection of a detached garage incidental to the main dwelling and driveway to provide vehicle access

19/02769/FL - Approved - 16 January 2020

New two storey front residential extension

19/00705/FL - Approved - 10 May 2019

Single storey side extension with 2 no. four leaf bi-folding doors and 2 no. flat rooflights

5. Consultees:

5.1 Offham Parish Council:

The Parish Council has had the opportunity to discuss this application. Parish Councillors do not object but have a number of concerns to raise.

1. The applicant has gained as much square footage as possible via LDC and utilising existing outbuildings before applying for a large property to be built. The proposed property is over 3 times the size of the current property.
2. The proposal is to move the footprint of the property into the Green Belt. The Parish Council is very concerned about building taking place on the Green Belt.
3. There needs to be a detailed Landscaping Plan and an Ecology Report needs to be provided. There are known to be bats in the area so that survey is also required.
4. There must be a condition of any consent that a Construction Management Plan is provided. Aldon Lane is a narrow lane with a bridge, and traffic movements need to be well managed.
5. The rear elevation of the proposed property will be seen from Aldon Lane and it is not reflective of the Conservation Area that it abuts. The materials and design of the property should reflect the local environment and the Conservation Area.
6. Stocketts has been the subject of a number of planning applications over the past 18 months. Councillors want a condition imposed to say that the existing house should be demolished first before the new house is built. There are concerns that if the existing house is allowed to stand, there will then be a future application to retain it.

5.2 **Environmental Health Protection:** Response dated 9 January 2025

Drainage:

The Applicant has indicated that an existing Package Treatment Plant (PTP) is to be used for the foul water drainage for this proposal. However, no information appears to have been supplied as to the adequacy of the existing system. This needs to be provided from a competent person. This proposal would also present a good opportunity for connection to the mains sewerage system (which is the preferred option for developments). The Applicant should be encouraged to liaise with Southern Water as to the closest such Public Sewer and where possible, connect into it in preference to a PTP.

Noise:

There is insufficient information provided by the Applicant to enable me to fully comment with respect to noise at the proposed.

I would recommend that a Condition be included with any approval requiring the applicant to submit a noise report detailing the current noise climate at the proposed

site due to the close proximity of the Railway. The report should consider the levels cited in BS8233:2014, namely:

1. for gardens and other outdoor spaces, in particular those in para 7.7.3.2 which states a desirable limit of 50dB LAeq,16-hour, and a maximum upper limit of 55dB LAeq,16-hour; and
2. to at least secure internal noise levels no greater than 30dB LAeq, 8-hr (night) and 35dB LAeq, 16-hr (day) in bedrooms, 35dB LAeq, 16-hr (day) in living rooms and 40dB LAeq, 16-hr (day) in dining rooms/areas (ref para 7.7.2). Particular attention is drawn to the notes accompanying Table 4 in para 7.7.2 and that these levels need to be achieved with windows at least partially open, unless satisfactory alternative means of ventilation is to be provided.

The Applicant's attention is also drawn to the ProPG on Planning and Noise issued by the Association of Noise Consultants (ANC), the Institute of Acoustics (IoA) & the Chartered Institute of Environmental Health (CIEH).

The report should also detail any mitigation/attenuation measure needed to attain the abovementioned levels. It is important that the applicant's noise assessment includes specific data and we will require these details for approval before any decision can be made. Specific details of any necessary noise insulation/attenuation requirements (e.g. acoustic glazing, acoustically screened mechanical ventilation, etc) will also need to be submitted for approval.

Informatives.

During the demolition and construction phases, the hours of noisy working (including deliveries) likely to affect nearby properties should be restricted to Monday to Friday 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no such work on Sundays or Public Holidays.

Although it would not be possible at this stage under Environmental Health legislation to prohibit the disposal of waste by incineration, the use of bonfires could lead to justified complaints from local residents. The disposal of demolition waste by incineration is also contrary to Waste Management Legislation. I would thus recommend that bonfires not be had at the site.

Contaminated land

Due to the age and number of buildings to be demolished, there is a potential for made ground to be present on site. I therefore recommend the following condition:

Watching brief

On the basis of available data and information, the site is not identified as a site of potential concern or any adjacent site.

To safeguard the situation in the event that significant deposits of made ground or indicators of potential contamination are discovered during development, I suggest the imposition of following conditions:

(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

5.3 **Waste Service:** Standard guidance on bin sizes.

5.4 **KCC Heritage Conservation:** No comments received

5.5 **West Kent PROW:** Response dated 13 January 2024

I can confirm that I do not have any objections to the above planning application at Stocketts. Public Right of Way Footpath MR178 lays to the southeast of the site and should be unaffected by the application. I enclose a copy of the Public Rights of Way network map showing the line of the path for your information.

The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then this office will deal on the basis that:

- The applicant pays for the administration costs.
- The duration of the closure is kept to a minimum.
- Alternative routes will be provided for the duration of the closure.
- A minimum of six weeks notice is required to process any applications for temporary closures

This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on

the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

5.6 Third Party Comments: Three representations have been submitted and these are summarised below:

- Planning for a replacement dwelling in Metropolitan Green Belt is very well established. Primarily, a replacement dwelling must not be materially larger than the building intended to be replaced.
- The applicant intends to trade existing outbuildings off for additional volume including static caravans. How can mobile structures that have been situated for a short period of time be included to gain more volume.
- The intended dwelling is of significant distance from the footprint of the existing dwelling, harming the protected Green Belt area,
- The size of the proposed dwelling is out of character of the surrounding Conservation Area.
- The total size of the proposed dwelling brings concerns regarding its intended use, taking in to account the existing dwelling is currently being used daily as a children's nursery, bringing overwhelming traffic to Aldon Lane. If TMBC and the Parish Council think this application is fit for purpose, I would like to suggest that if the new planning application was successful there would be a condition in place where the property cannot be used as a business premises and only as a residence.
- We had anticipated that the existing house on this site might be replaced and so the application was expected, and we do not object to the location, general massing or materials proposed, and wish them well with the development. We note that the existing house is to be demolished as part of the work, and this new building and rear terrace is contained wholly within the plot and not on the rear paddock.
- On a matter of detail, the current revision of the Proposed Block Plan drawing does not agree with the left hand flank elevation on NPR/23/11/02: the plan shows a secondary drive from the east at lower ground level which is not reflected in the retaining structures shown on the elevation. As this is visible from the highway, we would appreciate clarification.
- Having reviewed the plans for the proposed development we are more than happy to give our full support of this application.

6. Relevant Policies and Determining Issues:

6.1 Under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Local Planning Authority is required to determine planning applications and

other similar submissions in accordance with the Development Plan in force unless material considerations indicate otherwise.

- 6.2 The Development Plan currently in force for this area comprises the Tonbridge and Malling Local Development Framework Core Strategy (TMBCS) adopted in September 2007, the saved policies of the Tonbridge and Malling Borough Local Plan 1998 (TMBLP), Development Land Allocations DPD (DLA DPD) adopted in April 2008 and the Managing Development and the Environment DPD (MDE DPD) adopted April 2010.
- 6.3 The National Planning Policy Framework (“NPPF 2024”) the associated National Planning Practice Guidance (“NPPG”) and National Design Guide are important material considerations.

Principle of Development

- 6.4 The site lies within the Countryside and Metropolitan Green Belt, wherein Policy CP3 of the Core Strategy states that the Council will apply National Green Belt Policy.
- 6.5 Paragraph 153 of the NPPF (2024) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 adds that when considering any planning application, Local Planning Authorities (LPA) should ensure that substantial weight is given to any harm to the Green Belt. ‘Very Special Circumstances’ (VSC) 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.
- 6.6 Paragraph 154 (NPPF) states, LPA’s should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this includes:
- d) The replacement of a building, provided the new building is in the same use and not ‘materially larger’ than the one it replaces; and
 - g) Limited infilling or the partial or complete redevelopment of previously developed land, (including a material change of use to residential or mixed use including residential) whether redundant or in continuing use (excluding temporary buildings) which would not cause substantial harm to the openness of the Green Belt.
- 6.7 In regard to criterion d), whilst the proposal would replace a building which is in the same use, the NPPF does not provide guidance on what is considered ‘materially larger’ nor does the LPA have a specific policy or adopted Supplementary Planning Guidance on this matter. Whether or not a replacement building is ‘materially larger’ is a matter of planning judgement, having regard to the particulars of a proposed development and the relevant site-specific circumstances.

- 6.8 Therefore, the test for 'materially larger' under paragraph 154 d) is to be taken on a case-by-case basis, taking into consideration footprint, volume, floor space, scale and bulk and any harm identified on the openness of the Green Belt.
- 6.9 Turning next to paragraph 154 g) (NPPF) this allows for 'Limited infilling' of previously developed land (PDL). Residential gardens not within urban areas are included in the definition of PDL following *Dartford BC v Secretary of State for Communities and Local Government* [2016] as such the land where the development is proposed is therefore considered to be PDL.
- 6.10 However, as like 'material larger' the NPPF does not provide a definition of 'limited infilling' the test for paragraph 154 g) is whether the proposal would cause substantial harm to the openness of the Green Belt.
- 6.11 Core Strategy Policy CP14 relates to development within the countryside. It states in the countryside development will be restricted to, amongst other criteria, b) the one-for-one replacement, or appropriate extension, of an existing dwelling, or conversion of an existing building for residential use.
- 6.12 Therefore, the principle of development is acceptable providing the proposal would either not result in a replacement dwelling that is materially larger or a proposal which would cause substantial harm to the Green Belt.

Other Material Considerations

- 6.13 The existing dwelling benefits from permitted development rights and in this regard a certificate of proposed development has established the principle of extending the dwelling.
- 6.14 The granted certificate of proposed development provides a realistic fallback position in terms of volumetric increase and impact on openness on the Green Belt and as such is a material consideration.
- 6.15 Parish Council and third party comments have also made reference to the location of the proposed dwelling being within the Green Belt and specifically the Parish Council note "The proposal is to move the footprint of the property into the Green Belt".
- 6.16 For clarification, the existing dwelling is also located within the Green Belt. The whole of Socketts residential curtilage and associated adjacent land falls within the Green Belt. The proposal does not introduce a new dwelling into the Green Belt. The proposal is for a replacement dwelling in the Green Belt within an existing residential curtilage.

Assessment on Green Belt.

- 6.17 Turning first to the test for 'materially larger' under paragraph 154 d) NPPF. In purely mathematical terms, (excluding the static mobiles, outbuildings and the certificate of lawfulness) the proposal would result in a building twice the size of the dwelling it

replaces, this increase in volume is unarguably 'materially larger' than the dwelling it replaces, therefore the proposal would not meet the exception test under paragraph 154 d) NPPF.

- 6.18 The planning statement submitted in support of the application suggests a volume decrease of 11%. However, the calculation in the Planning Statement includes the previously consented extension, the removal of the garage/coach house, and stables together with the removal of the static mobiles. The test under Paragraph 154 d) makes no allowance for the amalgamation of buildings in the assessment of 'materially larger'. Paragraph 154 d) is clear that the replacement building must be in the same use the new building it replaces, as such ancillary buildings and stables are not dwellings and therefore are not in the same use.
- 6.19 Turning next to paragraph 154 g) (NPPF) which allows 'Limited infilling' of PDL providing the proposal would not have caused substantial harm to the openness of the Green Belt.
- 6.20 With regard to openness, the leading court cases of Turner [2016] and Samuel Smith [2020] and numerous subsequent appeal decisions have confirmed that Green Belt openness has a spatial dimension and a visual dimension. The Turner judgment asserted that the consideration of openness cannot depend on a volumetric approach alone; rather, it is also necessary to consider the spatial implications of the proposal.
- 6.21 Moreover, it must not be forgotten that these dimensions work in tandem and not in isolation, and in context, a synergy that is not always transparent in assessments of effects on openness, which can appear heavily weighted towards the spatial aspect.
- 6.22 Therefore, when assessing whether the development 'as a whole', would cause substantial harm to the openness of the Green Belt, it is necessary to look at the wider implications of the proposal and to consider it within its context. The impact on openness will vary according to factors such as size and scale, and the prominence from public and private viewpoints.
- 6.23 Looking just at 'spatial' and at the development as a whole, and the changes as a result of it, the proposal would impact upon openness due to the increase in size, scale and footprint of the replacement dwelling. However, when considering spatial under Paragraph 154 g) regard may be given to the removal of the garage/coach house and stables. Regard has also been given to the granted certificate of proposed development which provides a realistic fallback position in terms of 'spatial' increase.
- 6.24 Turning to the 'visual' perception as a factor which may reduce the spatial harm from the effect of development on the openness of the Green Belt. The perceived effect upon openness could be less than might be expected because, for example, development may have a limited effect upon people's perception of openness from beyond the boundary of the site.

- 6.25 The site is well screened and as such the visual impact would be mostly from within the existing residential curtilage. Glimpses of the site from outside the curtilage may be more visible during the winter months when the mature trees are devoid of foliage but in that scenario the proposed dwelling would be read like the existing.
- 6.26 The dwelling is proposed to be situated approximately 8 metres further to the south of the existing dwelling which is not considered to be significant or results in a great visual impact on the countryside or Green Belt.
- 6.27 To ensure openness is maintained, conditions would be suggested to restrict the erection of outbuildings under class E of the GPDO, together with any further extensions to the replacement dwelling.
- 6.28 Therefore, whilst recognising the increase in volume resulting from this development, its effect is capable of being mitigated by other factors as highlighted above. The proposal would therefore comply with paragraph 154 g) limited infilling and as such would be appropriate development in the Green Belt.

Assessment on Character and Appearance

- 6.29 Paragraph 131 (NPPF) highlights the importance of creating high quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.30 Paragraph 135 (NPPF) seeks to ensure that decisions result in developments which are visually attractive because of good architecture, layout and landscaping, and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 6.31 Policy SQ1 Managing Development and the Environment Development Plan, requires development to protect, conserve and where possible to enhance the character and local distinctiveness of the area.
- 6.32 Policy CP24 of the Tonbridge and Malling Borough Core Strategy requires that all development must be well designed and of a high quality in terms of detailing and use of appropriate materials, and must through its scale, layout, siting, character and appearance be designed to respect the site and its surroundings.
- 6.33 Comments have been received that the front elevation is not reflective of the Conservation Area that it abuts and that the materials and design of the property should reflect the local environment and the Conservation Area.
- 6.34 Design is subjective, and Officers do not consider that the design would be out of keeping with the character and appearance of the area, specifically noting that the

proposed dwelling comprises a hipped pitch roof with modest dormers which are also traditional in appearance, together with brick elevations under a slate roof.

- 6.35 The site is not located within the Conservation Area and whilst adjacent to it, the siting of the dwelling, being centrally located in its large plot, set back from the road frontage and not readily visible in the street scene, the proposal would not be read in the context of the Conservation Area, therefore no objection is raised by Officers in relation to the central glazed feature which is similar in some case to features on barn conversions.
- 6.36 Should permission be granted a materials condition is suggested for the finer details (i.e. colour) to be submitted to and approved by the LPA prior to any above ground works.
- 6.37 Whilst the application relates to an existing residential curtilage, and therefore landscaping is well established in most areas, in this case the siting of the new dwelling would not on the same footprint as the existing and as such a condition is suggested for a landscaping scheme to be submitted in relation to the area of the existing dwelling.
- 6.38 To conclude on character and appearance, it is considered that the dwellings result in a well-designed scheme, that would complement with the overall form and layout of the site, in compliance with paragraph 135 (NPPF), Policy CP24 of the Tonbridge and Malling Borough Core Strategy and Policy SQ1 Managing Development and the Environment Development Plan.

Assessment on Neighbour Amenity

- 6.39 Policy CP24 of the Tonbridge and Malling Borough Core Strategy requires that all development must be well designed and respect the site and its surroundings. It outlines that development by virtue of its design which would be detrimental to amenity will not be permitted.
- 6.40 Paragraph 135 (f) of the NPPF advises that:
- “Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”.
- 6.41 As already noted, the dwelling sits centrally within its plot and is well contained. The proposed dwelling is a significant distance away from neighbouring properties as such the proposed dwelling, even having regard to the Juliet balconies proposed would not have an adverse impact on neighbouring properties.

Access and Parking

- 6.42 Paragraph 114 of the NPPF states that, in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that, inter alia, safe and suitable access to the site can be achieved for all users. Paragraph 115 adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.43 Policy SQ8 of the Managing Development and the Environment DPD states that development proposals should comply with the adopted parking standards and development proposals will only be permitted where they would not significantly harm highway safety.
- 6.44 Turing first to parking, Kent County Council's Parking Standards (adopted 2025) sets out (appendix – Table 1) for 4 bedroomed houses or larger, within a rural area, 3 spaces would be required, plus 1 space for visitors. The planning application forms indicate that 6 spaces are available at present and the level of parking provision for the site would not alter.
- 6.45 Regarding the access, the proposal utilises the existing access, and there is already sufficient space laid out on site for a vehicle to turn and exit in a forward gear.
- 6.46 To conclude on parking and access, the proposal would utilise an existing access and would comply with Kent County Council parking guidance and as such the proposal would not pose an unacceptable risk to highway safety, nor would the proposal meet the high threshold set out in the NPPF for refusing an application on highway grounds.

Ecology and Biodiversity

- 6.47 Paragraph 187 of the NPPF advises planning decisions should contribute to and enhance the natural environment, including protecting and enhancing sites of biodiversity and minimising impacts on and providing net gains for biodiversity. Paragraph 186 of the NPPF states if significant harm to biodiversity resulting from a development cannot be avoided through relocation, mitigation or compensated for, then planning permission should be refused, whilst opportunities to improve biodiversity in and around developments should be integrated as part of their design.
- 6.48 Policy NE2 Managing Development and the Environment Development Plan, outlines that the biodiversity of the Borough and in particular priority habitats, species and features, will be protected, conserved and enhanced.
- 6.49 Policy NE3 Managing Development and the Environment Development Plan also states development that would adversely affect biodiversity or the value of wildlife habitats across the Borough will only be permitted if appropriate mitigation and/or compensation measures are provided which would result in an overall enhancement.

Proposals for development must make provision for the retention of the habitat and protection of its wildlife links. The Council will impose conditions, where necessary and appropriate, to minimise disturbance, protect and enhance a site's ecological conservation value, to ensure appropriate management and monitoring and creating new or replacement habitats of enhanced ecological value.

- 6.50 Turning first to ecology, since the application proposes to demolish the existing dwelling, together with other buildings on the site, all of which could potentially impact upon bats, a Bat survey was requested.
- 6.51 A preliminary bat survey was undertaken (May 2025), the report notes that there was no evidence recorded for the presence of bats during the preliminary inspection and low potential was identified only in relation to the dwelling and garage, where there are possible gaps between the corners of the dormer windows and the roof, along with small gaps between a low number of the machine-made hanging tiles on either side of the dormer windows.
- 6.52 In this regard an emergency survey was conducted, with no bats being recorded emerging from the dwelling or the garage building, although common pipistrelle bats were occasionally recorded foraging around the site, and noctule bats were intermittently recorded high above the site.
- 6.53 The report sets out any mitigation measures that should be adhered to should at any time during the proposed works it becomes apparent that bats are present together with suggested enhancement measures which could be secured by condition. In addition, lighting can have a negative impact on bats (and other nocturnal species) and therefore any lighting should be designed to minimise light spill and again this can be secured via a condition.
- 6.54 Regarding biodiversity, it is now a national requirement that small scale developments must provide at least a 10% biodiversity net gain. However, one of the exemptions is for self-build and custom build applications. The Act states that “self-build and custom housebuilding” means the building or completion by –
- (a) individuals,
 - (b) associations of individuals, or
 - (c) persons working with or for individuals or associations of individuals, of houses to be occupied as homes by those individuals.
- 6.55 This application is for a self-build as such, is exempt from BNG. Self-build will be secured via a legal agreement. This will secure the relevant development/plot(s) as self-build and moreover will also set out BNG requirements should the self-build status subsequently be lost.

Contaminated Land

- 6.56 The Council's Environmental Health Protection Officer has reviewed the application and notes, due to the age and number of buildings to be demolished, there is a potential for made ground to be present on site. Therefore, a watching brief is required, and this would be secured via conditions.

Noise

- 6.57 Paragraph 191 of the NPPF states that:

"Planning policies and decisions should also ensure that new development is appropriate for its location considering the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impact resulting from noise from new development – and avoid giving rise to significant adverse impacts on health and the quality of life".

- 6.58 To the north of the site runs a railway line, the Council's Environmental Health Protection Officer notes that there is insufficient information provided with the application to enable full comments with respect to noise due to the proximity of the site to the railway line. A condition is therefore recommended should permission be granted requiring the applicant to submit a noise report detailing the current noise climate at the proposed site. The report should consider the levels cited in BS8233:2014, namely:

1. for gardens and other outdoor spaces, particularly those in para 7.7.3.2 which states a desirable limit of 50dB LAeq,16-hour, and a maximum upper limit of 55dB LAeq,16-hour; and

2. to at least secure internal noise levels no greater than 30dB LAeq, 8-hr (night) and 35dB LAeq, 16-hr (day) in bedrooms, 35dB LAeq, 16-hr (day) in living rooms and 40dB LAeq, 16-hr (day) in dining rooms/areas (ref para 7.7.2). Particular attention is drawn to the notes accompanying Table 4 in para 7.7.2 and that these levels need to be achieved with windows at least partially open, unless satisfactory alternative means of ventilation is to be provided.

- 6.59 The report should also detail any mitigation/attenuation measure needed to attain the above-mentioned levels. Specific details of any necessary noise insulation/attenuation requirements (e.g. acoustic glazing, acoustically screened mechanical ventilation, etc) will also need to be submitted for approval.

- 6.60 In addition to the suggested condition regarding noise, two informatives are also suggested relating to hours of construction and no bonfires on site.

Drainage

- 6.61 Development can result in increased surface water run-off and reduced infiltration of water into the ground. At the strategic level, Core Policy CP10 provides the framework for guiding development away from areas at high risk from flooding. Policy CC3 of MDE DPD relates sustainable drainage. This notes, "Development proposals will not be permitted unless they incorporate sustainable drainage systems (SUDS) appropriate to the local ground water and soil conditions, local drainage regimes and in accordance with the Groundwater Regulations. Where soil permeability is low, rainwater harvesting and/or green roofs should, where practicable, be integrated into the design of the development".
- 6.62 The application forms indicate that for surface water, the intention is to connect to the main sewer and for foul waste, this would be via a package treatment plant, however, no specific details have been provided. A drainage strategy covering foul and surface water will therefore be required and would be secured by way of a planning condition.

Other Matters

- 6.63 As set out in the introduction, a public right of way runs adjacent to the eastern boundary. Kent County Council Public Rights of Way Officer has reviewed the submitted details and raises no objection to the proposal subject to an informative regarding obstructing a public footpath.

Section 106

- 6.64 Legislation and Paragraph 58 of the NPPF requires that planning obligations (including legal agreements) should only be sought where they meet all the following tests: - necessary to make the development acceptable in planning terms; - directly related to the development; and - fairly and reasonably related in scale and kind to the development.
- 6.65 As mentioned above, this will secure the relevant development as self-build and moreover will also set out BNG requirements should the self-build status subsequently be lost. This is considered to meet the relevant tests as listed above and the applicant has agreed to these contributions.

Conclusion

- 6.66 In light of the above considerations, Officers put forward the following recommendation.

7. Recommendation: Approve subject to Section 106/UU securing self build and conditions

Section 106/UU to secure the self-build.

Standard 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 91a of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- Site Location Plan Dated September 2024
- Proposed Block Plan by NPR Associates Ref F
- Proposed Front and Left Elevation – Drawing No. NPR/23/11/02 Rev F
- Proposed Rear and Right Elevation - Drawing No. NPR/23/11/03 Rev F
- Proposed Loft and Roof Plan - Drawing No. NPR/23/11/01.5 Rev C
- Proposed Lower Ground & Ground Floor Plans – Drawing No. NPR/23/11/01 Rev G
- Proposed Sections - Drawing No. NPR/23/1104 Rev B
- Planning Statement by DHA – Document Ref DHA/33076 dated November 2024
- Bat Survey Report by Green Link Ecology Ltd – Document Ref 25_1849_Report_MF_MD date 8 May 2025.

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

3. No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until details 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: In the interests of visual amenity

Contamination

4. To safeguard the situation in the event that significant deposits of made ground or indicators of potential contamination are discovered during development, I suggest the imposition of following conditions:
 - (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.

Ecology/Bats

5. Prior to the occupation of the dwelling the ecology enhancement measures as recommended in the Bat Survey Report by Green Link Ecology Ltd – Document Ref 25_1849_Report_MF_MD date 8 May 2025, must be provided and thereafter maintained and retained.

Reason To ensure the protection of wildlife species

6. No external lighting shall be installed in connection with the development hereby approved until an external lighting scheme informed by or containing the details identified below has been submitted to and approved by the Local Planning Authority.
- Be designed following best practice guidance within Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 08/23 Bats and Artificial Lighting at Night'
 - Downward facing and on motion sensors
 - Plan showing location and types of lighting.

The external lighting scheme shall be implemented in strict accordance with those details and maintained and retained at all times thereafter.

Reason: In the interests of visual amenity and to ensure the protection of wildlife species.

Noise

7. Prior to any above ground development to erect the dwelling the applicant should submit a noise report detailing the current noise climate at the proposed site due to the close proximity to the railway line. The report should consider the levels cited in BS8233:2014, namely:
1. for gardens and other outdoor spaces, in particular those in para 7.7.3.2 which states a desirable limit of 50dB LAeq,16-hour, and a maximum upper limit of 55dB LAeq,16-hour; and
 2. to at least secure internal noise levels no greater than 30dB LAeq, 8-hr (night) and 35dB LAeq, 16-hr (day) in bedrooms, 35dB LAeq, 16-hr (day) in living rooms

and 40dB LAeq, 16-hr (day) in dining rooms/areas (ref para 7.7.2). Particular attention is drawn to the notes accompanying Table 4 in para 7.7.2 and that these levels need to be achieved with windows at least partially open, unless satisfactory alternative means of ventilation is to be provided.

The report should also detail any mitigation/attenuation measure needed to attain the abovementioned levels. Any mitigation/attenuation outlined within the report to meet the levels shall be implemented prior to the occupation of the dwelling and retained in perpetuity.

Reason: In the interests of amenity of future occupiers.

Drainage

8. No development other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until a drainage strategy setting out the method in which foul and surface water runoff resulting from this development proposal are to be managed in accordance with the hierarchy of drainage options as set out in the National Planning Practice Guidance: Flood risk and coastal change has been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied unless and until the drainage method detailed in the drainage strategy has been implemented in accordance with the approved details and thereafter be retained and maintained.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficiency of the drainage provisions

General

9. The existing dwelling, garage/coach house, stables and both static mobiles and all associated hardstanding on the site shall be permanently demolished/removed and all materials removed from the site within 3 months of the completion of the replacement dwelling hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the removal of the existing dwelling in the interests of openness and to prevent inappropriate development in the Green Belt, in accordance with the National Planning Policy Framework

10. Prior to the occupation of the dwelling hereby approved, details of all soft and hard landscaping shall be submitted to and approved in writing by the Local planning authority. The dwelling shall not be occupied until the soft and hard landscaping have been provided in accordance with the approved details and thereafter be retained in perpetuity.

Reason: To ensure a high quality of amenity, and avoid harm to the setting of Ightham Conservation Area and open rural character of the Green Belt and countryside.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) no development falling within Class(es) A, B, D and E of Part 1 of Schedule 2 to the said Order shall be carried out without the prior consent in writing of the Local Planning Authority.

Reason: To allow the local planning authority to retain control over the future development of the site, in order to avoid a reduction in the openness of this part of the Metropolitan Green Belt.

Informative

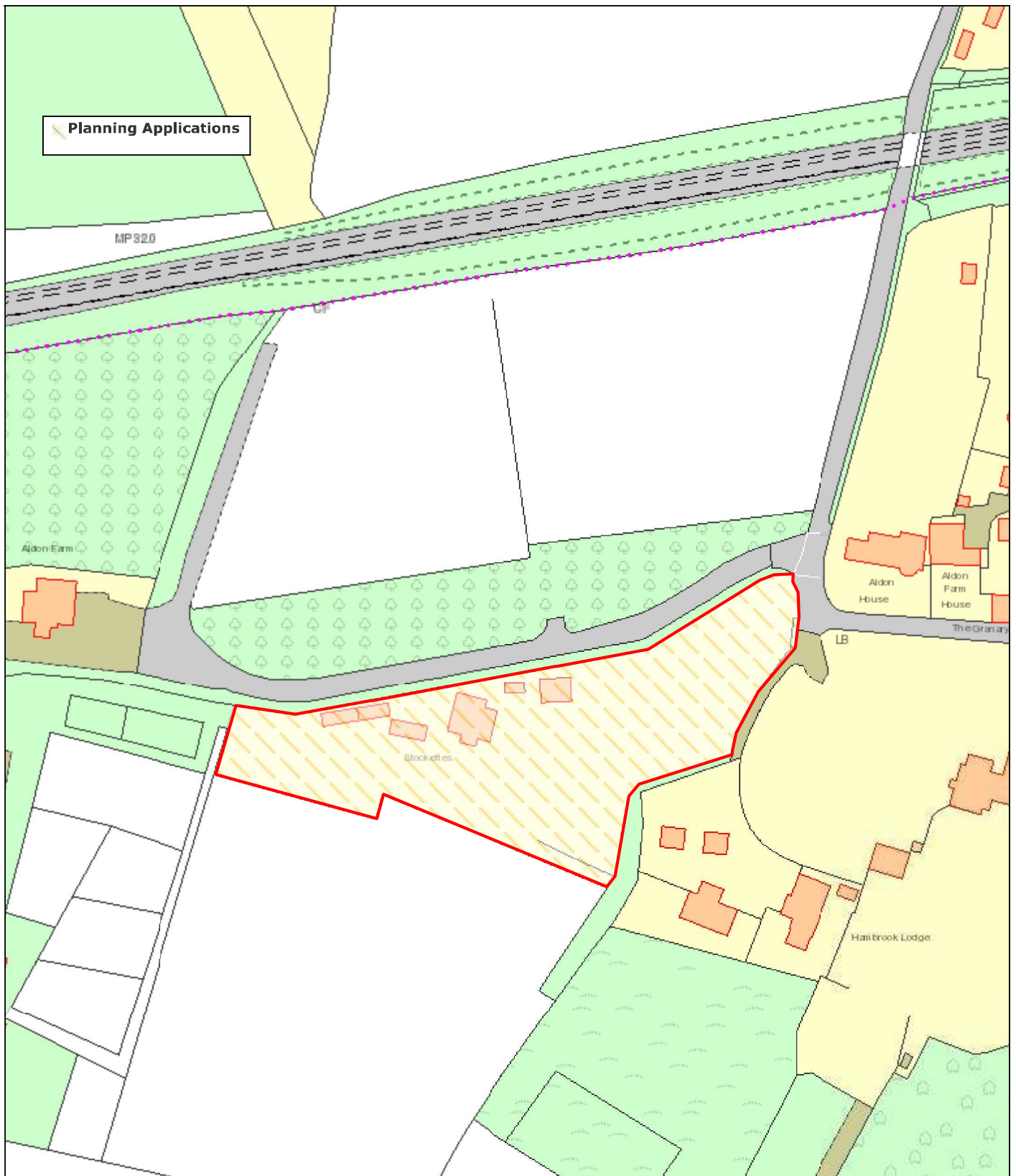
1. The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then this office will deal on the basis that:
 - The applicant pays for the administration costs.
 - The duration of the closure is kept to a minimum.
 - Alternative routes will be provided for the duration of the closure.
 - A minimum of six weeks notice is required to process any applications for temporary closures

This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

2. During the demolition and construction phases, the hours of noisy working (including deliveries) likely to affect nearby properties should be restricted to Monday to Friday 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no such work on Sundays or Public Holidays.
3. Although it would not be possible at this stage under Environmental Health legislation to prohibit the disposal of waste by incineration, the use of bonfires could lead to justified complaints from local residents. The disposal of demolition

waste by incineration is also contrary to Waste Management Legislation. It is recommended that bonfires not be had at the site.

Contact: Susan Field



Planning Applications 24/01900/PA

Scale: 1:1250



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Date: 15/5/2025 11:24

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Planning Committee Area 2

Planning Appeal Decisions for Area 2

| | |
|-------------------------------------|--|
| TMBC Ref | 23/03133 |
| PINS Ref | APP/H2265/W/24/3353896 |
| Site Address | Development Site land opposite Grange Road at Maidstone Road Platt |
| Description of development | Erection of 24 dwellings (50% affordable), formation of new access from Platinum Way and associated hard and soft landscaping, car parking, public open space, SuDS and associated infrastructure. |
| Delegated or Committee Decision | Delegated Decision |
| Appeal Outcome | Appeal Allowed 2 April 2025 |
| <i>Insert hyperlink to decision</i> | Appeal Decision |
| Costs Awarded | Not Applicable |

| | |
|-------------------------------------|---|
| TMBC Ref | 23/03382 |
| PINS Ref | APP/H2265/W/24/3350266 |
| Site Address | 8 The Orpines Watlington ME18 5BP |
| Description of development | Removal of existing conservatory and erection of a single storey side extension and associated external alterations |
| Delegated or Committee Decision | Delegated Decision |
| Appeal Outcome | Appeal Dismissed 31 March 2025 |
| <i>Insert hyperlink to decision</i> | Appeal Decision |
| Costs Awarded | Not Applicable |

| | |
|-------------------------------------|--|
| TMBC Ref | 24/00315/PA |
| PINS Ref | APP/H2265/W/24/3351858 |
| Site Address | Parking Area South of Mellings Close West Malling |
| Description of development | Erection of 4no dwellings comprising of 2 x 2 bedroom terrace, 1 x 3 bedroom terrace, and 1 x 2 bedroom flat over garage. Provision of associated parking spaces and ancillary works. Resubmission following withdrawal of application 23/01830/FL |
| Delegated or Committee Decision | Delegated Decision |
| Appeal Outcome | Appeal Allowed 14 April 2025 |
| <i>Insert hyperlink to decision</i> | Appeal Decision |
| Costs Awarded | No |
| <i>Hyperlink to costs decision</i> | Costs Decision |

Area 2 Planning Committee

| | |
|-------------------------------------|--|
| TMBC Ref | 24/00835/PA |
| PINS Ref | APP/H2265/D/24/3352491 |
| Site Address | Little Canon 229 Canon Lane Watlington ME18 5PJ |
| Description of development | Proposed erection of garden storage shed/tractor mower store |
| Delegated or Committee Decision | Delegated Decision |
| Appeal Outcome | Appeal Allowed 4 April 2025 |
| <i>Insert hyperlink to decision</i> | Appeal Decision |
| Costs Awarded | Not Applicable |

| | |
|-------------------------------------|---|
| TMBC Ref | 24/00914/PA |
| PINS Ref | APP/H2265/D/24/3356339 |
| Site Address | Sunfield House Tonbridge Road Ightham TN15 9AR |
| Description of development | Demolition of existing two storey flat roof extension and erection of a new two storey wrap-around extension to side and rear of property. Existing double garage to be reduced in size. |
| Delegated or Committee Decision | Delegated Decision |
| Appeal Outcome | Appeal Dismissed 14 April 2025 |
| <i>Insert hyperlink to decision</i> | Appeal Decision |
| Costs Awarded | Not Applicable |

| | |
|-------------------------------------|--|
| TMBC Ref | 24/01089/PA |
| PINS Ref | APP/H2265/W/24/3352709 |
| Site Address | Clements Oast Forge Lane West Peckham ME18 5JP |
| Description of development | Proposed change of use of Clements Oast, from holiday let to residential single detached dwelling house. To include a new 1.5m high x 28m Long Post and Rail fence |
| Delegated or Committee Decision | Delegated Decision |
| Appeal Outcome | Appeal Allowed 14 April 2025 |
| <i>Insert hyperlink to decision</i> | Appeal Decision |
| Costs Awarded | Not Applicable |

Area 2 Planning Committee

| | |
|-------------------------------------|--|
| TMBC Ref | 24/01466/PA |
| PINS Ref | APP/H2265/W/24/3356231 |
| Site Address | Little Holt Copt Hall Road Ightham TN15 9DU |
| Description of development | Proposed part two storey and part single storey side extensions to existing dwelling house |
| Delegated or Committee Decision | Delegated Report |
| Appeal Outcome | Appeal Allowed 14 April 2025 |
| <i>Insert hyperlink to decision</i> | Appeal Decision |
| Costs Awarded | Not Applicable |

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

**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.

Document is Restricted

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