

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

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**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

4 February 2026

To: MEMBERS OF THE AREA 1 PLANNING COMMITTEE  
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Area 1 Planning Committee to be held in the Council Chamber, Gibson Drive, Kings Hill on Thursday, 12th February, 2026 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

## AGENDA

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 \(tmbc.gov.uk\)](http://tmbc.gov.uk).

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

4. Minutes 9 - 12

To confirm as a correct record the Minutes of the meeting of Area 1 Planning Committee held on 8 January 2026.

5. Glossary and Supplementary Matters 13 - 20

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/25/01693/PA - Land West of 103 Tonbridge Road, 21 - 40 Hildenborough, Tonbridge

Permission in Principle for the development of between 5-7 residential dwellings as set out in Schedule 1 of the Town and Country Planning (Permission in Principle) Order 2017 (as amended) located on Land at Tonbridge Road, Hildenborough.

### **Matters for Information**

7. Planning Appeals, Public Inquiries and Hearings 41 - 42

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

8. 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**

9. Exclusion of Press and Public

43 - 44

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**

10. Urgent Items

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

## **MEMBERSHIP**

Cllr M A J Hood (Chair)  
Cllr D W King (Vice-Chair)

Cllr L Athwal  
Cllr K Barton  
Cllr G C Bridge  
Cllr J Clokey  
Cllr A Cope  
Cllr F A Hoskins

Cllr A Mehmet  
Cllr R W G Oliver  
Cllr B A Parry  
Cllr S Pilgrim  
Cllr M R Rhodes  
Cllr K S Tunstall

## **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-ugSzxjAPfw/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](mailto: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@tmbc.gov.uk](mailto:committee.services@tmbc.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 1 PLANNING COMMITTEE

#### MINUTES

Thursday, 8th January, 2026

**Present:** Cllr M A J Hood (Chair), Cllr D W King (Vice-Chair), Cllr L Athwal, Cllr K Barton, Cllr G C Bridge, Cllr J Clokey, Cllr A Cope, Cllr F A Hoskins, Cllr R W G Oliver, Cllr B A Parry, Cllr S Pilgrim, Cllr M R Rhodes and Cllr K S Tunstall

An apology for absence was received from Councillor A Mehmet.

#### PART 1 - PUBLIC

##### **AP1 26/1 DECLARATIONS OF INTEREST**

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

##### **AP1 26/2 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 1 Planning Committee held on 16 October 2025 be approved as a correct record and signed by the Chairman.

##### **AP1 26/3 GLOSSARY AND SUPPLEMENTARY MATTERS**

Decisions were taken on the following applications subject to the prerequisites, 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 FOR DECISION UNDER DELEGATED POWERS (IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION)

##### **AP1 26/4 TM/24/00733/PA - RIDING FARM, RIDING LANE, HILDENBOROUGH, TONBRIDGE**

Demolition of existing buildings and erection of eight residential dwellings together with access, parking, drainage, landscaping, and associated works.

Due regard was given to the determining issues detailed in the report of the Director of Planning, Housing and Environmental Health, as well as the points raised by the speakers. Members expressed concerns regarding the location of the site lying outside of any defined boundary and within the Metropolitan Green Belt and Countryside, proposed site access arrangement and safety due to poor access to the public highway, potential impact on residential amenity, and risk of surface water flooding.

However, it was acknowledged that the proposed scheme supported the overarching aims of national and local planning policy in relation to housing delivery by providing eight dwellings and supported economic growth and productivity both in the short term and during the lifetime of the development. Therefore, on balance, it was considered that no unacceptable impact arising from the proposal had been identified that would significantly and demonstrably outweigh the potential benefits of the scheme.

It was proposed by Councillor M Hood (Chair), seconded by Councillor J Clokey, and the Committee

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

- (1) the signing of a section 106 agreement; and
- (2) Amended Condition 8:

Prior to the erection of any dwellings on the site the access shall be implemented as shown on the approved plans. No obstructions over 1.05 metres above carriageway level within the splays, or 0.6 metres where a footway crosses the access, and thereafter retained and maintained as such.

Reason: In the interests of general amenity and highway safety.

[Speakers: Mr D Malkinson, Ms J Hampson (Agent on behalf of Mr I McIntyre), Mrs E Smith, Ms S Kennedy and Ms G Shukla (members of the public) and Mr D Bedford (Agent on behalf of the Applicant) addressed the Committee in person.]

### **MATTERS FOR INFORMATION**

#### **AP1 26/5 PLANNING APPEALS, PUBLIC INQUIRIES AND HEARINGS**

It was noted that there had been no planning appeals, public inquiries or hearings since the last meeting of the Planning Committee.

**AP1 26/6 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.40 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**

|        |  |
|--------|--|
| 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)<br>Order 2015              |
| GOV  | Consultation on Government Development   |
| GPDO | Town & Country Planning (General Permitted Development)<br>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<br>Parking |

**K**

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

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)

|        |   |
|--------|---|
| 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 PD – shops and financial to restaurant (application suffix)   |
| PDVSR  | Permitted development PD – shop and sui generis to residential (application suffix) |
| 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**

|      |  |
|------|--|
| 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**

|       |  |
|-------|--|
| 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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**Hildenborough**

**12 FEBRUARY 2026**

**TM/25/01693/PA**

Hildenborough

**Location:** Land West of 103 Tonbridge Road, Hildenborough Tonbridge

**Proposal:** Permission in Principle for the development of between 5-7 residential dwellings as set out in Schedule 1 of the Town and Country Planning (Permission in Principle) Order 2017 (as amended) located on Land at Tonbridge Road, Hildenborough.

**Go to:** [Recommendation](#)

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## 1. Description of Proposal:

- 1.1 Permission in principle (PiP) is sought on land west of 103 Tonbridge Road Hildenborough for residential led development of between 5 - 7 residential dwellings.
- 1.2 Stage 1 of a PiP application relates strictly to the principle of development insofar as whether the proposed development would accord with the development Plan.
- 1.3 This application therefore seeks Stage 1 PiP approval to determine whether the principle of between 5 and 7 new houses is appropriate, having regard only to whether the location, use and amount of development is acceptable.

## 2. Reason for reporting to Committee:

- 2.1 The application is presented to committee at the request of Councillor Rhodes, in regard to the site location within the Metropolitan Green Belt and due to the access onto Tonbridge Road.

## 3. The Site:

- 3.1 The site comprises a parcel of land located on the southern side of Tonbridge Road Hildenborough. The site consists of open grassland bordered with mature trees and hedgerows.
- 3.2 The site lies adjacent to the settlement boundary of Hildenborough (to the north side of Tonbridge Road). A 2-storey office building is located to the east of the site, with a number of residential properties further east and pockets of agricultural land backing onto the southern boundary.
- 3.3 In policy terms the site falls within the Metropolitan Green Belt and Countryside. The first 6 metres of the sites frontage also lies within the Hildenborough Conservation Area. To the centre of the site is a large mature Tree which is protected by a TPO (Tree Preservation Order Hildenborough No.4 1981 (12-26-20) TPO 5227). In

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addition, the trees along the frontage and marking the eastern boundary of the site are also covered by an area TPO.

- 3.4 The site also forms part of a non designated heritage asset known as Foxbush historic park and garden. Within this non designated heritage asset are Sackville School, Hilden Park School and several dwellings.
- 3.5 Pembroke Lodge at no.162 Tonbridge Road is a Grade II listed building to the northwest, on the opposite side of the road.
- 3.6 The site is also within an archaeological notification area, and a public footpath (MT36) is adjacent to the eastern boundary connecting Tonbridge Road with Stocks Green Road to the south.

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

None

#### **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, whilst not all comments have been specifically referred to within the assessment, all comments have been taking into consideration prior to the determination of the application.
- 5.2 **Hildenborough Parish Council:** Object – Summarised (main paragraphs) as below

Green Belt

Policy CP3 of Tonbridge and Malling Borough Council's Core Strategy (Metropolitan Green Belt) makes it clear that the Green Belt is critical in preventing development in the countryside that would affect its openness. The nation-wide tests of exceptional circumstances would need to be met, and only if an exceptional justification is made, for any change to Green Belt boundaries to be considered.

Emerging Evidence

Looking at the emerging Local Plan and the associated evidence base, specifically the Green Belt Assessment (GBA) undertaken by Arup in October 2025, the site forms part of parcel HI-03. The Assessment identifies the application site as making a strong contribution to Green Belt purposes and explicitly recommends that the parcel of land should not be considered further for development.

As PiP Stage 1 requires a judgement on whether this is an appropriate location for development, the strong Green Belt designation represents a clear and fundamental constraint. For these reasons alone, the site is not suitable for residential development in principle.

Heritage Constraints

The site lies adjacent to several designated and non-designated heritage assets, including Grade II listed buildings and the Foxbush and Mountains Non-Designated Historic Park and Garden. The northern portion of the application site also falls within the Hildenborough Conservation Area, with the appraisal attaching particular importance to the rural landscaped edge along Tonbridge Road.

The Parish Council strongly disagree with the Conservation Officer's assessment that the site only makes a modest contribution to the significance of the Conservation Area, based on limited visual connectivity and the presence of intervening vegetation. This conclusion underestimates both the heritage value of the site's landscape setting and the role it plays in defining the Conservation Area's character, appearance and significance.

#### Landscape and Tree Impacts

Introducing 5–9 dwellings in this position would undermine the setting of Hildenborough. This represents a significant adverse impact on landscape intrinsically linked to the application site's location and amount of development

The trees bordering the southern side of Tonbridge Road are protected by Tree Preservation Order Area 81/10077/TPO. Any proposal to remove, damage or otherwise carry out works to these trees to facilitate a new access would require the prior consent of the Local Planning Authority and should be subject to rigorous scrutiny. The removal of TPO-protected trees should only be permitted where it can be clearly demonstrated that there are no reasonable alternatives and that the loss of protected trees is justified by an overriding need. In this instance, the loss of trees protected for their collective amenity value would result in harm to the character and appearance of the area, and it is not evident that sufficient justification has been provided to warrant their removal, even with the potential for replacement planting.

#### Access

Hildenborough does not benefit from good public transport, and the application site would rely almost entirely on private motor vehicles which is contrary to the Council's climate change agenda, and not good for an Authority that has declared a climate change emergency.

Furthermore, the footpaths adjacent to the site along Tonbridge Road are extremely narrow, and most of the local amenities are on the northern side of the road. The road is also very busy, particularly during the morning & evening peaks and school pick-up and drop off times offering little encouragement for pedestrian movement, and presenting evident accessibility difficulties for the elderly, parents with babies & young children and those with restricted mobility.

#### Ecology

Without surveys, the Local Planning Authority cannot determine whether development would avoid harming the species, whether mitigation would be feasible, or whether a Natural England licence could be obtained. This uncertainty represents a fundamental constraint: if surveys or mitigation indicate that the site cannot be developed without significant harm to GCN, approval of PiP Stage 1 would be premature and inappropriate. National guidance is clear that, even at PiP Stage 1, the LPA must be satisfied that there are no obvious constraints that would make the site incapable of being developed at the Technical Details stage. In this case, the known presence of GCN nearby, combined with the absence of any ecological assessment for the site, demonstrates that this test is not met.

#### Ownership

The documentation submitted fails to demonstrate that the landowner(s) have authorised, supported, or endorsed the current application. In the absence of clear evidence of landowner consent, it is unclear whether the applicant has a genuine intention or ability to carry out the proposed works.❖

- 5.3 **Borough Green Parish Council:** No comments received
- 5.4 **Leisure Services:** No details provide on the number of dwellings and bedroom per unit. Once more details are provided calculations can be undertaken.
- 5.5 **Environmental Health Protection:** No comments to make on the application
- 5.6 **Waste Services:** Standard Information.
- 5.7 **Gardens Trust:** No comments received.
- 5.8 **KCC Highways:** KCC Highways understand that as only permission is sought in principle, highway matters, including access, are not for consideration at this point in time. Should permission be granted this authority will consider the suitability of the access strategy as part of subsequent applications. However, the principle of up to 9 dwellings at this location is acceptable.
- 5.9 **KCC Heritage Conservation:** No comments received
- 5.10 **Historic England:** In this case no advice is offered.
- 5.11 **TMBC Conservation Officer:** The proposal causes some loss of open green space and results in considerable change on the southern edge of the conservation area which fails to enhance or better reveal its special qualities. However, the new development will in effect form a separate enclave, and subject to limited roof ridge heights and a green buffer on the southern boundary of the site, demonstrable harm to the significance of the designated and non-designated heritage assets could be largely avoided.

#### 6. Determining Issues:

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### Policy Guidance

- 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 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 Dec 2024”) and the associated National Planning Practice Guidance (“NPPG”) are also important material considerations together with Kent Design Guide, Kent County Council’s Parking Standards (January 2025), and the Hildenborough Character Area SPD.

### Emerging Local Plan

- 6.4 On the 21 October 2025 the Housing and Planning Scrutiny Select Committee, recommended to the Council’s cabinet that the next stage of the emerging draft Local Plan is moved forward, paving the way for the formal public consultation which commenced on 10 November 2025 and has now concluded on the 2<sup>nd</sup> January 2026.
- 6.5 The emerging Local Plan sets out how the Council will meet the government’s objectively assessed housing need requirement to deliver 19,746 new homes, which equates to 1097 per year.
- 6.6 Whilst the emerging Local Plan is at Regulation 18 stage and therefore carries limited weight, the evidence base in preparation for the emerging Local Plan is a material consideration in the determination of the application.
- 6.7 The site has been considered within the Call for Sites exercise and within the Green Belt Stage 1 and Stage 2 evidence base. Within the Green Belt Stage 1 and 2 the site falls within parcel HI-02 and a very small section of HI-03. This is discussed further within the committee report.

### Background to Permission in Principle applications

- 6.8 The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development, which separates the consideration of matters of principle for proposed development from the technical detail of the development.
- 6.9 As stated above, there are two stages to a Permission in Principle (PiP); the first establishes if a site is suitable in principle, covering only three elements the ‘location’, ‘land use’ and the ‘quantum of development’. Where permission in principle is

granted, the default duration of the permission in principle is 3 years. It should be noted that this is not planning permission however, but the first stage towards the granting of planning permission which requires the approval of the technical details stage.

- 6.10 As set out in Article 5D(c)(i) of the Town and Country Planning (Permission in Principle) Order 2017 (as amended) the application must be accompanied by a plan which identifies the land to which the application relates. No other details are required to be submitted, and no other details can reasonably be requested in accordance with the 2016 Order and the PPG on PiP.
- 6.11 Furthermore, it is not possible for conditions to be attached to a grant of PiP. However, LPA's can inform applicants about what they expect to see at the technical details consent stage.
- 6.12 Unlike an outline planning permission, PiP grants only permission in principle in respect of the location, land use and amount of development. It does not authorise the commencement of development. Planning permission, capable of implementation, is only granted at the second stage, following the approval of a Technical Details Consent (TDC) application. The TDC application must provide sufficient detail on all remaining matters necessary to enable a grant of full planning permission for a site which has the benefit of permission in principle. Conditions may be imposed on a technical details consent in the same manner as full planning permissions.
- 6.13 If the technical details consent application is refused, the PiP remains unaffected and the applicant has the option to submit a new TDC application. However, a TDC application cannot be made by an applicant if the permission in principle has expired.
- 6.14 Therefore, the main issue for assessment at this stage is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

#### Location / Principle of development

- 6.15 The NPPF seeks to maximise opportunities for the supply of housing in appropriate locations, which can contribute to the sustainability and vitality of existing communities, both urban and rural. Paragraph 78 of the NPPF states, "Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old".
- 6.16 The Council cannot currently demonstrate an up-to-date five-year supply of housing when measured against its objectively assessed need. The Council's latest published position indicates a 2.89 year supply of housing. As a consequence, the policies

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most important for determining this application for housing are now out of date in the context of footnote 8 of the NPPF.

6.17 Applying the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF (2024) in the context of decision-making means:

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.

6.18 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, this includes Green Belt. Therefore, it first needs to be established whether the policies in the Framework that protect areas or assets of particular importance provide a 'strong' reason for refusing the development.

#### Heritage Assets

6.19 Approximately six metres of the northern section of the site (front) lies within the Hildenborough Conservation Area and the site also falls within the wider non designated Foxbush Historic Park and Garden. Opposite the site is Pembroke Lodge 162 Tonbridge Road and to the west Woodside Cottage 99 Tonbridge Road, both of which are Grade II listed.

6.20 In determining applications, paragraph 210 states "*LPA should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution the assets can make to sustainable communities including their economic vitality and the desirability of new development making a positive contribution to local character and distinctiveness*".

6.21 Paragraph 212 sets out that great weight should be given to the conservation of the asset (taking into account the importance of the asset) irrespective of the level of harm arising. If any harm to or loss of the significance of the designated heritage asset (from alteration or destruction or harm to its setting) should require clear and convincing justification.

- 6.22 Paragraph 215 is clear, that were a development proposal leads to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate securing its optimum viable use.
- 6.23 Paragraph 216 concerning non designated heritage assets states that the effect of an application on the significance of a non designated heritage asset should be taken into account in determining the application. In weighting applications that directly or indirectly affect non designated heritage assets, a balance judgment will be required having regard to the scale of any harm or loss and the significance of the heritage assets.
- 6.24 The Council's Conservation Officer has reviewed the proposal and first sets out the significance of any heritage assets, noting as follows:

*The Hildenborough conservation area covers the 19th century village centre from St Johns Church to the Half Moon Public House on Tonbridge Road, and extends to the northeast to incorporate Mount Pleasant, Church Road, Half Moon Lane and part of Riding Lane. With the exception of the Half Moon PH - which has earlier origins and reflects the importance of Tonbridge Road as historic coaching route - most of the buildings within the designated area were constructed between 1845 and 1900. Two, Grade II listed, brick buildings of the mid 19th century front the northern side of Tonbridge Road. Although the proposal site is in close proximity to the listed buildings and the southern part of the designated area, it makes a limited contribution to their significance due to visual separation resulting from intervening mature trees and shrubbery.*

*Foxbush Historic Park and Garden (HPG) is defined as a non-designated heritage asset on the Council's Heritage Constraints map. The former parkland was originally associated with Grade II listed Foxbush House - which is now Sackville School - and located well to the west of the proposal site. The softly landscaped, open green space is within the immediate setting of the Hildenborough conservation area, and it contributes to an appreciation and understanding of the significance of the designated area.*

- 6.25 The Conservation Officer then having establishes the significance of the Heritage assets and in doing so considers the impact of the proposal on the significance identified, based on the 'principle' of the proposal only (my emphasis added).
- 6.26 Turning first to the Conservation area. The site is in within the immediate setting of the Hildenborough Conservation Area and as part of the open green space of Foxbush, it makes a modest contribution to the significance of the designated heritage asset. However, its special contribution is limited by the lack of visual connectivity due to impermeable boundaries and the presence of intervening mature trees and shrubbery. The new development will in effect form a separate enclave to the south of the conservation area. Provided the new built form does not exceed two/two-and-a-half storeys, possible glimpses of distant rooftops within the new

development would cause little harm to distinctive local views. While diminishing the relationship between the Conservation Area and the Historic Park and Garden to some extent, the significance of the designated area would remain largely unaffected by the proposal.

- 6.27 Policy SQ3 MDE DPD states that development will not be permitted where it would harm the overall character, integrity or setting of Historic Parks and Garden. In regard to Historic Park and Garden Impacts the Council's Conservation Officer notes, the proposed new built form on the northern edge of Foxbush would sit between existing development to the east and west of the site. Perimeter trees and shrubbery enclose the northern, eastern and western boundaries of the site, and provided the site layout includes a supplementary green buffer along the southern boundary, there would be little visual relationship between the new development and the Historic Park and Garden to the south. Although the proposal would reduce the area of open green space within Foxbush, the new development would form an enclosed enclave and subject to limited roof ridge heights and a substantial green buffer on the southern boundary, demonstrable harm to the significance of the non-designated heritage asset would be largely avoided.
- 6.28 In addition, Officers note that the northern section of the park and garden is characterised by mixed uses, including Sackville School, residential dwellings and the telephone exchange building therefore the introduction of built form in this area would not be out of character.
- 6.29 In conclusion the Council's Conservation Officer acknowledges that *"the proposal causes some loss of open green space and results in considerable change on the southern edge of the conservation area which fails to enhance or better reveal its special qualities. However, the new development will in effect form a separate enclave, and subject to limited roof ridge heights and a green buffer on the southern boundary of the site, demonstrable harm to the significance of the designated and non-designated heritage assets could be largely avoided"*.
- 6.30 It is noted that Hildenborough Parish Council strongly disagrees with the Conservation Officer's assessment, stating that this conclusion underestimates both the heritage value of the site's landscape setting and the role it plays in defining the Conservation Area's character, appearance and significance.
- 6.31 Reference has been made to the Hildenborough Conservation Area Appraisal and that it clearly identifies the landscape features along the southern edge of London Road (now Tonbridge Road) as a key component of the townscape. The Appraisal states that:
- "The hedge and trees lining the southern edge of London Road [Tonbridge Road] are a prominent landscape feature enhancing the setting of the listed buildings and reinforcing the rural character of the village. These form an edge to the Conservation Area."*

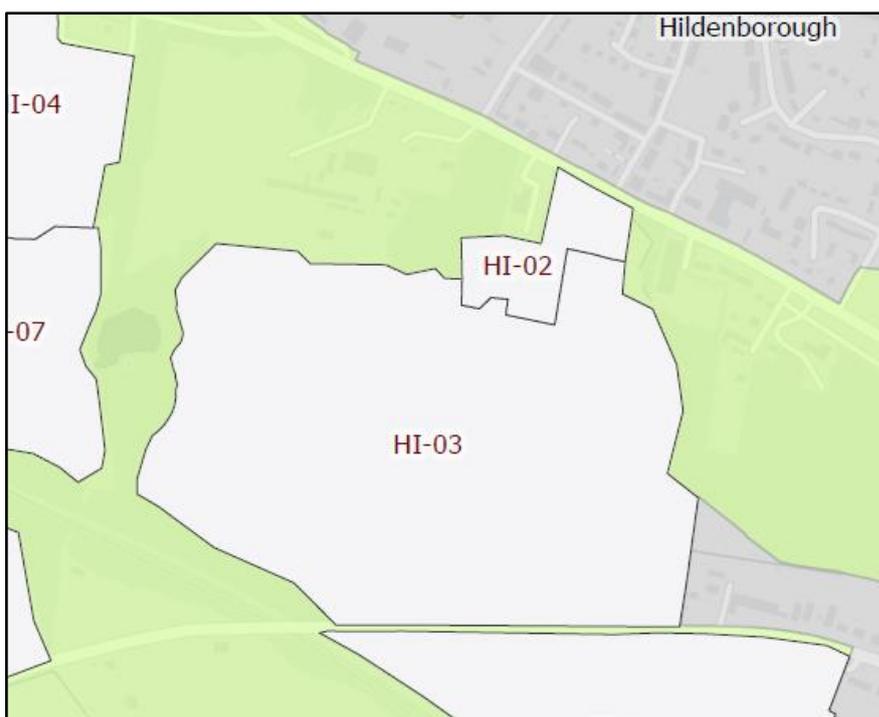
- 6.32 Officers do not disagree that the trees marking the northern boundary of the site play an important role, and in fact the Council's Conservation Officer also acknowledges the significance of the frontage trees, by stating "*Although the proposal site is in close proximity to the listed buildings and the southern part of the designated area, it makes a limited contribution to their significance due to visual separation resulting from intervening mature trees and shrubbery. (my emphasis added). Therefore, the removal of the frontage trees could result in harm being identified, however the loss of any trees along the frontage is a matter of the Technical Detail and is not for consideration at the PiP stage*".
- 6.33 The Parish Council also consider that "*any access arrangement from Tonbridge Road would also necessitate the loss of important vegetation that contributes to the Conservation Area's character to achieve the required visibility splay. Notably, the potential harm that this would cause has previously been held to be a material planning consideration in a 2005 appeal decision (APP/H2265/A/04/1170042) relating effectively to the same strip of landscape edge*"
- 6.34 As already stated, the removal of any trees along the frontage to form the access is a matter which would be considered at the Technical Detail stage and is not for consideration at the PiP stage 1. Officers have also reviewed the appeal decision referenced by the Parish Council and whilst its content is noted, the appeal is some 10 years old and pre dates the NPPF. Officers do not disagree that potential harm is a material consideration, however, that appeal was determined based on a different set of national policies and as such there is no evidence that an Inspector would form the same view should the application be determined by appeal today. The NPPF (paragraphs 213 and 214) is clear that any substantial harm or less than substantial harm identified would need to be considered against public benefits of the scheme, for which the Councils current housing land supply position is a material consideration.
- 6.35 In view of the above assessment, the development of the site for between five and seven dwellings would not necessarily give rise to a level of heritage harm that would render the proposal fundamentally unacceptable in principle, having regard to Policies SQ1 and SQ3 of the MDE DPD and Chapter 16 of the NPPF. This conclusion is subject to the provision of a sympathetic layout and an appropriate type and mix of dwellings, which are matters to be considered at the Technical Details Consent stage. Accordingly, while the site has the potential to accommodate between five and seven dwellings in principle, the Local Planning Authority may withhold support for any subsequent Technical Details Consent application where the detailed house types, design and layout, in particular the proposed vehicular access onto Tonbridge Road as highlighted by the Parish Council, are found to result in unjustified or disproportionate harm to the significance of the designated and non-designated heritage assets identified above.

### Green Belt

- 6.36 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.
- 6.37 Paragraph 153 (NPPF) 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, 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.
- 6.38 Paragraph 154 (NPPF) states, LPA's should regard development in the Green Belt as inappropriate unless one of the listed exemptions apply (a to h). In this case, the propose would not fall within any of the exception listed under paragraph 154 NPPF.
- 6.39 However, the most up to date NPPF published in December 2024 introduces the concept of Grey Belt. Grey Belt is now a material consideration and an assessment to establish if the site is Grey Belt must be undertaken. Before Officers undertake a Grey Belt assessment, the evidence base in preparation for the emerging Local Plan is also a material consideration and feeds into the assessment of Grey Belt so this is discussed first.

#### Emerging Local Plan Evidence

- 6.40 As stated above, the site has been considered within the Call for Sites exercise and within the Green Belt Stage 1 and Stage 2 evidence base for the emerging Local Plan.
- 6.41 Representations made on behalf of Hildenborough Parish Council state that the site forms part of parcel HI-03 and moreover that the assessment identifies the application site as making a strong contribution to Green Belt purposes and explicitly recommends that the parcel of land should not be considered further for development. However, the majority of the site is actually located within site reference HI-02 and only a very small section of the site is located within HI-03 (see plan below). The conclusion for Site HI-02 is that the sites overall performance is weak.



6.42 For clarity the table below shows the assessment undertaken for both parcels within the Green Belt Assessment for the emerging Local Plan. (Scale range 0 = weak to 5 = Strong)

| Green Belt Purposes  | Parcel HI-02 | Parcel HI-03 |
|--|--------------|--------------|
| a) To check unrestricted sprawl of large built up area   | 0            | 0            |
| b) To prevent neighbouring towns merging into one another  | 0            | 0            |
| c) To assist in safeguarding the countryside from encroachment                                     | 2            | 5            |
| d) To preserve the setting and special character of historic towns                                 | 0            | 0            |
| e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land. | 1            | 1            |
| Overall NPPF   | Weak         | Strong       |
| Provisional Grey Belt Identification   | Yes          | Yes          |

6.43 Furthermore, it is also important to note the both sites HI-02 and HI-03 together form a wider strategic site which is being considered a part of the emerging spatial strategy within the Reg 18 Local Plan.

#### Grey Belt

- 6.44 In regard to Grey Belt, paragraph 155 states that the development of 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.
- 6.45 Turning first to criterion a) Para. 155 the NPPF at Annex 2 provides a definition for Grey Belt: this sets 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"*.
- 6.46 It has already been established that 'in principle' the proposal is acceptable in regard to heritage and as such there would be no 'strong' reason for refusing or restricting development on the site. Therefore, the next matter for consideration would be to establish if the parcel of land 'strongly' contributes to the Green Belt under purposes a), b), or d) as set out in Paragraph 143 (NPPF). As noted above the site has been assessed as part of the emerging Local Plan. In regard to a), b) and d) both site HI-02 and HI-03 scores 0 and given a provisional Grey Belt identification.
- 6.47 Therefore, to conclude on Para 155 criteria a), Officers are of the opinion that the site does not 'strongly' contribute to the three purposes of the Green Belt as set out above, as such the site would qualify as 'Grey Belt' land. Moreover, the erection of 5 to 7 dwellings on this site would not undermine the wider strategic site being considered a part of the emerging spatial strategy within the Reg 18 Local Plan due to the quantum of development being proposed and therefore would not fundamentally undermine the purposes of the remaining Green Belt.
- 6.48 Turning back to criterion b of paragraph 155) – the Council cannot demonstrate a five-year housing land supply as such there is a demonstrable unmet need for the type of development proposed.
- 6.49 In regard to c), this requires development to be in a sustainable location having specific regard to paragraphs 110 and 115 of the NPPF.

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- 6.50 Paragraph 110 (NPPF) identifies that significant development should be focused on locations, which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. It also, in paragraph 115, states that in specific applications for development, it should be ensured that sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location.
- 6.51 However, paragraph 110 also advises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making. Paragraph 83 states to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.
- 6.52 The site is considered not to be in an isolated location. The site is surrounded by development and adjacent to (separated by Tonbridge Road) the settlement boundary of Hildenborough. Hildenborough is identified as a Rural Service Centre within the Core Strategy (Policy CP12). Rural Service Centres are those rural settlements, where a reasonable range of services exist or are easily accessible.
- 6.53 It is noted that Policy CP12 states “*within the Green Belt, development will only be permitted if it is justified by very special circumstances, and in the case of housing, complies with Exception Site Policy CP19*”. However, this element of Policy CP12 pre-dates the NPPF and is not considered to be consistent with the language of the current NPPF and therefore diminished weight is afforded to this element of policy CP12 in this case. In any event, development within the Green Belt is regulated by Policy CP3, which states that the national Green Belt policies will be applied. This has been followed in the above assessment.
- 6.54 Hildenborough Parish Council raises concerns in relation to the site’s location, stating that the site would rely almost entirely on private motor vehicles. The Parish Council also consider, the footpaths adjacent to the site along Tonbridge Road are extremely narrow, and most of the local amenities are on the northern side of the road. The Parish Council also consider road is also very busy, particularly during the morning & evening peaks and school pick-up and drop off times offering little encouragement for pedestrian movement, and presenting evident accessibility difficulties for the elderly, parents with babies & young children and those with restricted mobility.
- 6.55 Tonbridge Road benefits from regular street lighting, footpaths on both side of the road and areas of wider pavements due to traffic calming measures, together with a zebra crossing to the west of the site by the entrance of Sackville School and a further zebra crossing east of the site by Coldharbour Lane.
- 6.56 Whilst the range of services is limited, there is a convenience store, schools, public house, pharmacy, and café. There are also bus stops within easy walking distance

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from the site which provide an alternative mode of transport and links to the wider area. The 402 bus runs from Sevenoaks to Tunbridge Wells approximately every 30 minutes Monday to Friday and twice an hour on Saturdays. Therefore, a residential scheme in this location is considered sustainably located in a semi-rural context and not heavily reliant on the motor vehicle.

- 6.57 Turning the criteria d), the proposal seeks PiP for between 5 to 7 dwellings and as such would not constitute a major development, therefore the Golden Rules do not apply to the site.
- 6.58 To conclude on paragraph 155 (NPPF) the site would constitute Grey Belt land and would meet all 'relevant' criteria as set out in paragraph 155 (NPPF) and as such would be regarded as appropriate development within the Green Belt.
- 6.59 Where a development is not inappropriate in the Green Belt, this does not itself remove the land from the Green Belt nor require development proposals to be approved. In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, wider policies and considerations apply, including those in the area's adopted Plan, and in the NPPF read as a whole [Paragraph: 010 Reference ID: 64-010-20250225 PPG].

#### Conclusion on Paragraph 11 (d) (i)

- 6.60 After carrying out the 11(d)(i) exercise and subsequently concluding that there are no "restrictive policies" in the NPPF which provide a 'strong' reason for refusal, the application must therefore be considered against paragraph 11(d)(ii) of the NPPF and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, which are discussed below.

#### Countryside

- 6.61 The site lies outside the defined settlement confines of Hildenborough within designated countryside. Core Strategy Policy CP14 relates to development within the countryside. It states in the countryside development will be restricted to, but not limited, to a) extensions to existing settlements in accordance with Policies CP11 or CP12, b) the one-for-one replacement, or appropriate extension, of an existing dwelling, or conversion of an existing building for residential use. The proposal does not fit within those categories listed in Core Strategy Policy CP14, however, this policy pre-dates the NPPF and is considered not to be consistent with the language of the NPPF and therefore diminished weight is afforded to the policy in this case.
- 6.62 The NPPF requires planning decisions to avoid the development of isolated homes in the countryside, except in specific circumstances. As noted earlier in the Green Belt assessment, any new dwellings on this site would be considered not to be isolated for the purposes of paragraph 89 of the NPPF. Accordingly, the site's countryside

location does not, in itself, render it unsuitable for housing, nor does it make a scheme of up to seven dwellings fundamentally unacceptable in principle.

### Use

6.63 Officers have concluded that the development would utilise Grey Belt land and moreover the development would be in sustainable location. Therefore, residential use of the site would meet the objective of the NPPF in boosting the supply of housing in sustainable locations. The area is predominantly residential, and the site sits between other built form. Therefore, in regard to 'use', the principle of residential dwellings on the site would be acceptable.

### Quantum of development

6.64 In regard to the quantum of development, Officers raised concerns with the original proposal for 5 to 9 dwellings due to the obvious tree constraints on the site, as such the maximum number of dwellings proposed has been reduced to 7 dwelling.

6.65 Whilst details are limited and no indicative layout has been provided to demonstrate how the proposed dwellings would be achieved on the site. Officers are persuaded on the basis of the submitted information and following a site visit that there is scope for the site to be developed in a way that could accommodate between 5 to 7 dwellings while avoiding fundamentally unacceptable impacts, especially on heritage asset and Green Belt. The quantum of development now proposed (5 to 7 dwellings) is acceptable in principle, subject to finer details to be scrutinised at the TDC stage

### Other Matters

6.66 There were no objections from a number of technical consultees to the proposal in addition to those referred to above, including environmental health, waste services.

6.67 In regard to the access, KCC highways noted that as only permission is sought in principle, highway matters, including access, are not for consideration at this point in time. KCC Highways confirmed that should permission be granted the suitability of the access strategy will be considered as part of Technical Details. However, KCC highways confirm that the principle of up to 7 dwellings at this location is acceptable.

6.68 Policy OS3 MDE DPD requires open space provision for all residential developments of 5 units or above (net) in accordance with the standards set out in Policy Annex OS3.

6.69 Where it is impractical or inappropriate to provide open space on-site, off-site provision (or a financial contribution towards it) will be sought commensurate with the quantitative and accessibility standards set out in Policy Annex OS3.

6.70 As no details have been provided, it is not possible as this stage to establish if the site will provide onsite open space provision or whether an offsite contribution will be

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required. These details are matters to be considered at the Technical Detail stage and not for consideration at the PiP stage.

- 6.71 Hildenborough Parish Council have raised concerns in relation to ecology stating that without surveys, the Local Planning Authority cannot determine whether development would avoid harming the species, whether mitigation would be feasible, or whether a Natural England licence could be obtained. Ecology would be a matter to be addressed at the technical detail, where standard ecology surveys and BNG documentation would be required and are not for consideration at the PiP stage.
- 6.72 The site's location, which is a matter for consideration at the PiP stage, is not identified as being ecologically significant or sensitive, such as a SAC, SPA or SSSI. Accordingly, there are no ecological considerations of such significance as to render the scheme fundamentally unacceptable in principle. Notwithstanding this, other ecological matters, including potential impacts on protected and priority species and opportunities for biodiversity enhancement, should be assessed and addressed prior to the determination of any subsequent Technical Details Consent application.
- 6.73 Comments have also been raised in relation to ownership, stating that the documentation submitted fails to demonstrate that the landowner(s) have authorised, supported, or endorsed the current application. The application forms for a PiP do not require a certificate to be signed. However, confirmation has been received by the applicant in regard to ownership.
- 6.74 The design of the dwellings would need to take into account the characteristics of the immediate area and comments raised by the Council's Conservation Officer in terms of scale/height of the dwellings proposed.

#### Public Sector Equality Duty – Equality Act 2010

- 6.75 Section 149 of the Equality Act 2010 introduced the Public Sector Equality Duty (PSED), which came into force in April 2011. This duty requires public authorities, including the Council, to have due regard to the need to:

Eliminate unlawful discrimination, harassment, and victimisation;

Advance equality of opportunity between people who share a protected characteristic and those who do not; and

Foster good relations between people who share a protected characteristic and those who do not.

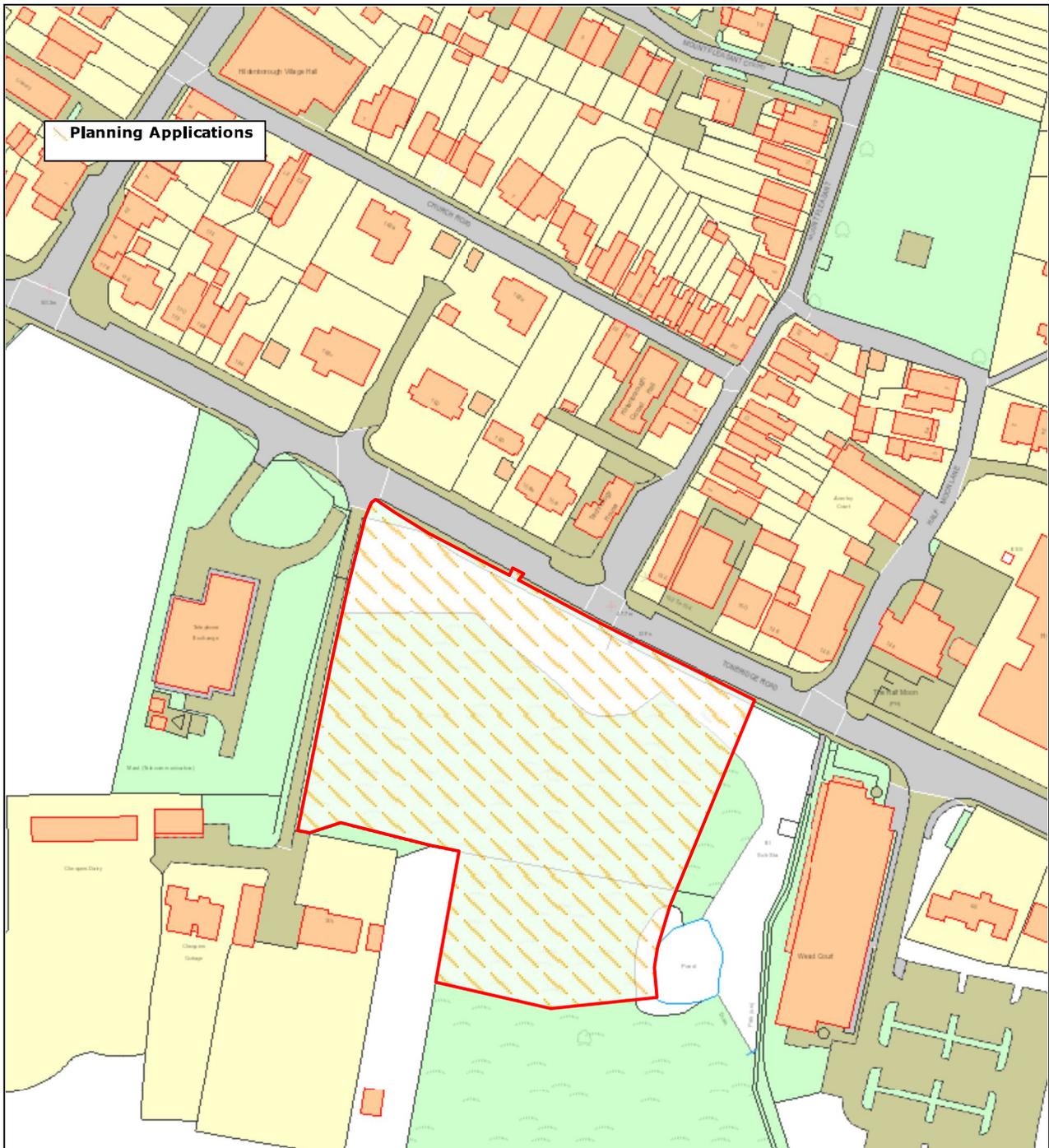
- 6.76 In the context of planning, equalities considerations are embedded throughout the planning process. This begins with the formulation and adoption of planning policies at the national, strategic, and local levels, including any supplementary planning guidance. These policies are subject to statutory processes that include assessments of their impacts on protected groups.

- 6.77 For individual development proposals, further consideration is given to the potential equality impacts where relevant. In this case, all relevant policies from the Tonbridge and Malling Development Plan and the National Planning Policy Framework (NPPF) have been considered in the assessment of the application. These policies have been subject to equality impact assessments during their adoption, in accordance with the Equality Act 2010 and prior legislation and the Council's obligations under the PSED.
- 6.78 Accordingly, the adopted planning framework used in the assessment of this application is considered to reflect and support the needs of individuals with protected characteristics, as defined by the Equality Act 2010 and previous legislation. These characteristics include: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 6.79 The Local Planning Authority can confirm that the application of local and national planning policies in the determination of this planning application has been carried out with due regard to the provisions of the Equality Act 2010.
- 6.80 In conclusion, it is considered that Tonbridge and Malling Borough Council has had due regard to its duties under Section 149 of the Equality Act 2010 in the assessment of this application and the recommendations set out in this report

### Conclusion

- 6.81 The precise nature of the development would be assessed at the Technical Details Consent stage. However, insofar as matters can be considered at the Permission in Principle stage, officers conclude that the principle of residential development of the site for between 5 and 7 dwellings is acceptable. Accordingly, it is recommended that Permission in Principle be granted.
- 6.82 Planning Practice Guidance confirms that conditions cannot be imposed on a grant of Permission in Principle, as the terms of such permission are limited to the site location, the type of development and the amount of development. No conditions are therefore recommended at this stage.
- 7. Recommendation: Grant Permission in Principle.**

Contact: Susan Field



**Planning Applications 25/01693/PA**

**Scale: 1:1250**



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# Agenda Item 7

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

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# Agenda Item 9

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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