

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

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

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

10 February 2026

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, 18th 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.

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 \(tmbc.gov.uk\)](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 2 Planning Committee held on 14 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/25/01412/FL - Land North of Drayhorse Meadow, Fields Lane, Wateringbury 21 - 78

Erection of 66 new homes (including affordable homes), together with associated open space, landscaping, access and parking.

7. TM/25/01596/PA - Black Horse Inn, Tumblefield Road, Stansted 79 - 104

Proposed change of use of part of the public house to form 2 x 1-bed and 2 x 2-bed apartments with associated parking, amenity space and use of existing access.

8. TM/25/01771/PA - Alans Hectare, Cemetery Lane, Hadlow, Tonbridge 105 - 128

Change of use of land to a travellers caravan site consisting of 6 additional residential caravan plots to rear of existing site.

9. TM/25/01509/PA - Allens Oast, 4B Old Road, East Peckham, Tonbridge 129 - 142

Retrospective permission for the unauthorised erection of a summerhouse outbuilding.

Matters for Information

10. Planning Appeals, Public Inquiries and Hearings 143 - 144

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

11. 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

12. Exclusion of Press and Public 145 - 146

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

PART 2 - PRIVATE

Matters for Information

13. TM/25/01509/PA - Allens Oast, 4B Old Road, East Peckham, Tonbridge 147 - 162

(Reason: 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.

14. Urgent Items

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

MEMBERSHIP

Cllr 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-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 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 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, 14th January, 2026

Present: Cllr C Brown (Vice-Chair, in the Chair), Cllr B Banks, Cllr R P Betts, Cllr M D Boughton, 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 W E Palmer, P Boxall, M A Coffin*, S Crisp* and S A Hudson.

(*apologies for in-person attendance, participated via MS Teams)

PART 1 - PUBLIC

AP2 26/1 DECLARATIONS OF INTEREST

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

AP2 26/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 3 December 2025 be approved as a correct record and signed by the Chairman.

AP2 26/3 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 FOR DECISION UNDER DELEGATED POWERS (IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION)

AP2 26/4 TM/25/01509/PA - ALLENS OAST, 4B OLD ROAD, EAST PECKHAM, TONBRIDGE

Retrospective permission for the unauthorised erection of a summerhouse outbuilding.

Due regard was given to the determining issues, conditions, reasons and informatives as detailed in the report of the Director of Planning, Housing and Environmental Health. The views of public speakers were also taken into account.

Careful consideration was given to the impact of the proposal on the adjacent Grade II listed building, wider heritage impacts and landscaping. Whilst Members were satisfied that appropriate measures were in place to prevent use as self-contained accommodation, concern was expressed that the addition of the flat roofed projection had an impact to the significance of the adjacent designated heritage asset.

Councillor Boughton proposed, seconded by Councillor Betts and supported by the majority of the Committee that:

- (1) Retrospective permission be REFUSED for the following reason:
 - (i) That the unauthorised erection of a summerhouse outbuilding with flat roofed projection further towards the Grade 2 Listed building at Strettitt Place was contrary to Policies CP24 (design), S66 of the Planning (Listed Building and Conservations Areas) Act 1990 and 213A of the NPPF and created additional harm to the setting of the historic asset.

In accordance with Committee Procedure Rule 15.24, Part 4 Rules of the Constitution the application was

DEFERRED: For a report from Legal Services on the risks arising from a decision contrary to the recommendations of the Director of Planning, Housing and Environmental Health which it is considered cannot be substantiated.

[Speakers: Mr D Evans and Mr J Brodie, Members of the Public; and Mr J Puxty, agent]

AP2 26/5 PLANNING APPEALS, PUBLIC INQUIRIES AND HEARINGS

The report providing an update in respect of planning appeals, public inquiries and hearings held since the last meeting of the Planning Committee was received and noted.

AP2 26/6 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.45 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) 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

KCC	Kent County Council
KCCVPS	Kent County Council Vehicle Parking Standards: Supplementary 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 Tonbridge 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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Wateringbury
East & West Peckham
Mereworth & Wateringbury

18 FEBRUARY 2026

TM/25/01412/FL

Location: Land North Of Drayhorse Meadow, Fields Lane, Wateringbury

Proposal: Erection of 66 new homes (including affordable homes), together with associated open space, landscaping, access and parking.

Go to: [Recommendation](#)

1. Description of Proposal:

- 1.1 Planning permission is sought for the development of the site to provide 66 dwellings (including 50% affordable) together with associated access, parking, open space and landscaping.
- 1.2 The development would deliver a mix of new homes (limited to two storey) comprising of 6 x 1 bed, 24 x 2, 24 x 3, and 11 x 4 bedroom homes.
- 1.3 A new vehicular access is proposed on Tonbridge Road, along with a secondary emergency access also located on Tonbridge Road further to the east.
- 1.4 The 2 and 3-bedroom homes will be provided with 2 parking spaces each and the 4-bedroom homes with 3 parking spaces. The 1-bedroom maisonettes will benefit from 1 allocated space per unit. In addition, 14 visitor spaces will be provided across the site. One cycle space per bedroom will be provided (e.g. 3 bedroom homes will have 3 cycle spaces).
- 1.5 The proposed development provides a number of access points for pedestrians and cyclists.
- 1.6 Footways will be provided on both sides of the primary access through the site whilst a separate pedestrian/cycle access (that also forms the emergency access) is provided further east. A pedestrian access to the south will provide access towards Wateringbury Playing Fields and the PRow route (MR509).
- 1.7 A Sustainable Drainage Scheme is proposed; this includes the provision of an attenuation basin along the south eastern edge of the site.

2. Reason for reporting to Committee:

- 2.1 The application is presented to committee at the request of Councillor Boughton as this is a 'Grey Belt' planning application for a site which is in the Green Belt and so Councillors may take a view on the impact on the nearby Air Quality Management Area, Medway Valley Landscape, and Green Belt.

3. The Site:

- 3.1 The application site extends approximately 4.42 ha and is located on the south side of Tonbridge Road
- 3.2 The site comprises a field which is currently used for horse grazing, alongside some small structures associated with its current use in the north-western corner and timber fencing. The site is currently accessed from Fields Lane.
- 3.3 The site is bound by Tonbridge Road to the north and Fields Lane to the west. Residential development adjoins the site to the west. The eastern boundary is defined by hedgerows and a line of mature trees, beyond which there is further residential development which falls within the adjoining administrative area.
- 3.4 In policy terms the site falls within the Metropolitan Green Belt and sits immediately adjacent to the existing settlement of Wateringbury defined as 'other rural settlement' in the settlement hierarchy. The land is classified as Best and Most Versatile Agricultural Land (Grade 1/2), albeit it has been used for horse grazing for a number of years. The site falls entirely within Flood Zone 1 and small parts of the site are at low risk of surface water flooding. A stretch of Tonbridge Road to the west (by the junction with Bow Road) is located within an Air Quality Management Area.

4. Planning History (relevant):

- 4.1 There is no recent relevant history for the site, the only planning history concerns an historic application for residential development in 1974.

74/12761/OLD - Refuse - 15 May 1974
Residential development with access.

5. Statutory Consultees (in alphabetical order):

- 5.1 The statutory comments listed below have been summarised, this is only to ensure that the committee report is kept to a manageable level. All comments have been viewed in full by the Case Officer and a full version of the statutory comments can be viewed via the Councils website.
- 5.2 **Arboriculture:** No objection subject to conditions.
- 5.3 **Conservation Officer:** No objection.
- 5.4 **Developer Contributions (KCC):** No objection subject to contributions.
- 5.5 **Ecological Advice Service (KCC):** No Objection subject to conditions.
- 5.6 **Environment Agency:** No Objection

- 5.7 **Environmental Health Protection** – Observations in regard to Air Quality. No objection in regard to Noise and Contamination.
- 5.8 **Heritage Conservation (KCC)** No objection subject to pre commencement condition.
- 5.9 **Housing Services:** Initial concerns raised in relation to the tenure split. Following a revised Tenure split no objection is raised.
- 5.10 **Kent Fire (CCT):** No comments received
- 5.11 **Kent Highway Services:** No objection subject to Section 106 agreement in relation to a proportionate financial contribution upgrading Watringbury Crossroads with the implementation of a Microprocessor Optimised Vehicle Actuation MOVA and conditions.
- 5.12 **Kent Police:** No Objection - Standard design advice give
- 5.13 **Leisure Services:** No objection subject to financial contributions being secured via Section 106 agreement.
- 5.14 **Local Lead Flood Authority (KCC):** Observations and conditions relating to offsite surface water sewer, Suds, and verification report
- 5.15 **Maidstone Borough Council:** No comments received.
- 5.16 **National Highways:** No Objection.
- 5.17 **Natural England:** No Objection.
- 5.18 **NHS West Kent CCG:** No objection subject to financial contributions secured via a section 106 agreement.
- 5.19 **South East Water:** No comments received.
- 5.20 **Southern Water Services:** No within Southern Waters statutory area.
- 5.21 **Teston Parish Council:** Objection.

The site is not in Grey Belt. The site contributes to Green Belt purposes the site. The site is beyond the established settlement boundary of Watringbury and would allow Watringbury to sprawl some 150 metres eastwards contrary to NPPF (Para 143 purpose a).

The site demonstrably assists avoidance of eastwards spread of Watringbury towards Teston – conflicts with b para 143 NPPF

The setting, particularly long-view setting, of Wateringbury would be substantially degraded. Conflicts with d para 143 NPPF. In addition, the site would encroach considerably into the countryside, which would conflict with “c” above.

Local Landscape Value - in Maidstone’s Local Plan, the stretch of Medway immediately to the south of the application site is part of one of Maidstone’s Areas of Local Landscape Value. While Maidstone’s Area of Local Landscape Value is not in Tonbridge & Malling Borough, consideration of this application should take account of its visual impact, irrespective of Local Authority boundaries.

Traffic - Teston endures rush-hour traffic disruption due to the traffic lights at Wateringbury. On several mornings, the queue stretches back over a half-mile eastwards from those lights.

The proposed development is for 66 homes, with a total of 168 bedrooms and 133 parking spaces (excluding 14 visitor spaces). The number of cars would almost certainly be in excess of 100, perhaps well in excess. To postulate that the peak hour movements would then be only 36.27 vehicles would appear somewhat improbable.

Air Quality at Waterinbury traffic lights would deteriorate further.

Pressure on Local DP Surgery and on the Primary School.

5.22 **Waste Services:** - No Objection - Standard information

5.23 **Wateringbury Parish Council:** Objection

The proposal fails to demonstrate compliance with NPPF (Dec 2024) paragraph 199 and TMBC MDE DPD Policy SQ4 (Air Quality) and therefore does not meet the development plan taken as a whole.

Air Quality

The submitted AQA is internally inconsistent and omits requested scope.

Mitigation is not secured, quantified or policy-compliant.

Decision-making cannot proceed lawfully on the basis of the AQA as it stands.

Traffic

The application fails to demonstrate compliance with NPPF (Dec 2024) paras 115–118 and TMBC MDE DPD Policy SQ8 (Road Safety, Transport & Parking) and would result in severe residual cumulative impacts at the Wateringbury Crossroads (A26/A228), a long-recognised congestion hotspot with limited scope for capacity increase.

- Highway and Transport appraisal submitted.
- Inadequate/insufficient transport evidence for a strategic bottleneck.

- Parking & layout non-compliance risk (overspill and obstruction).
- No secured package of sustainable transport measures.

5.24 **West Kent Public Rights of Way:** No objection subject to informatives.

5.25 **Interested Parties:**

5.26 In addition to the statutory responses, 160 representations have been received by Interested Parties including, neighbouring properties, CPRE, West Farleigh Parish Council, and Nettleded Parish Council.

5.27 Whilst comments have been summarised and categorised for the purpose of this report, all Interested Party comments have been reviewed in full. Moreover, comments may not be specifically referred to within the assessment, but all planning related/relevant comments have been taken into account prior to the preparation of the committee report.

Highways and Traffic

The village already experiences severe traffic congestion. This is exacerbated by up to 8 vehicle access points in a very short distance near the junction.

The parking in Fields Lane, The Brucks and Cobbs Close is horrendous. On many occasions there would be no way that an emergency vehicle could get through if needed without wasting valuable time moving vehicles out of the way. If the proposed build goes ahead this would put further pressure on these roads, as there will not be enough parking for friends, family, partners etc within the build and will possibly lead to parking on the A26 as well.

The proposal does not include any evidence that highway improvements will be secured as part of the application.

The layout is designed in a fashion which would result in conflicting vehicle and pedestrian movement at the risk of pedestrian safety.

We challenge the Transport Statement's forecasted travel movements. It claims only one additional vehicle movement every two minutes post-development, equating to 30 extra vehicles at Waterringbury Crossroads during peak hours—an impact deemed negligible. We disagree, as the junction is already congested during peak times, and the development will exacerbate this.

The proposal includes MOVA mitigation at the junction lights, adjusting signal timings based on traffic conditions. The Transport Statement suggests MOVA will offset the development's impact, citing average delay reductions of 24% (morning) and 21% (afternoon), and queue reductions of 17% and 19%, respectively. We contest these figures, as Department for Transport trials show only a 13% average

delay reduction. We urge KCC Highways to scrutinise these findings due to the discrepancy.

There is no evidence that the MOVA system is financially secured by the applicant. Without this assurance, it's unclear whether mitigation will be implemented if planning permission is granted.

Air Quality

The sheer volume of traffic will rapidly increase the pollution in the air from an already known heavily polluted area.

The building of the housing will also add to an already highly polluted area causing further health risks to the residents of Watlington and neighbouring villages.

We have a right to breath fresh air. Adding 66 homes to the village is going to exacerbate already highly polluted area. So polluted that it is named as one of the most polluted cross roads in Kent.

We do not accept the reading done by the applicant on air quality as they were taken during the school holidays when there was less traffic. We would be far more interested in the readings achieved by the consultant funded by the Parish Council.

The applicant's air quality and noise modelling offers an incomplete and potentially misleading assessment, and the results certainly do not reflect the lived experience of myself as someone so close to the area. Moreover, the proposed mitigation measures appear to be highly insufficient to address the specific challenges of this location.

Infrastructure

Our local GP surgery is under stress having to wait weeks for an appointment or sent miles to an alternative surgery.

The site is nowhere near a main station, shops, supermarket. The only way these can be accessed is by car. I understand that housing should be near accessible amenities to avoid car usage.

Landscape

Area is renowned for its breathtaking view of the Medway Valley. This is exemplified by public seating located on the Tonbridge Road overlooking the views

It has also been nationally flagged up in several nature publications, guides, and conservation literature as a landscape of outstanding beauty and heritage.

This field is also part of the very important Medway Valley and this should be protected from development for future generations. Once this is concreted over, the damage is done and this part of the Medway Valley will be lost forever.

The proposal will affect the Wateringbury Landscape of Local Value, intruding on the skyline and going some way to obliterating the green division between the Teston and Wateringbury settlements.

The applicant acknowledges that the land is open to long views from the south and south-west, including across the Medway valley towards the Greensand Ridge, yet dismisses these effects as minor.

The site's contribution to the wider Medway Valley landscape and its role in defining the village's setting should not be downplayed.

The replacement of open paddocks with built form, lighting and estate roads would erode the visual containment of the village and introduce a suburban edge that would be readily visible from public viewpoints.

This land provides a break in the creeping development which threatens to turn East Malling Teston and Wateringbury into a conurbation destroying the village concept.

The proposal would be visually intrusive from local vantage points south of the Medway River.

Wateringbury is encircled by Green Belt land and designated Areas of Local Landscape Importance, making the preservation of its scenic views and open spaces vital to the local community.

Impact upon Landscape, in breach of Paragraphs 135-139 & 187 of the NPPF and Policy LPRSP14(a) and LPRQD4 of the Maidstone Local Plan Review (March 2024)

Green Belt/Grey Belt

This proposal is contrary to both National Planning Policy Framework (NPPF) and local authority plans, which place a strong emphasis on the protection of Green Belt land. The NPPF clearly states that inappropriate development in the Green Belt is harmful by definition and should not be approved except in very special circumstances, which have not been demonstrated here.

The Government have stated that although the Green Belt can be renamed as grey belt this is not an automatic right. The field in question is not just a field, it is part of the Medway Valley, it is a part of our village, it stops Teston merging with Wateringbury.

The Green Belt review concludes the site makes only a “weak” or “no contribution” to purposes (a), (b) and (d), yet this overlooks its clear role in containing the eastern edge of Watlington and maintaining a visual and spatial break with the wider rural landscape. Even enclosed or edge-of-settlement land can make a strong contribution to Green Belt purposes where it prevents perceived sprawl or countryside encroachment.

Even if the site were to be regarded as Grey Belt, that does not remove the requirement for harm to the Green Belt to be clearly outweighed by other considerations. The loss of openness, both visually and spatially, would remain significant.

Housing need, while acknowledged, cannot on its own amount to a very special circumstance.

The development will encourage neighbouring towns to merge into one another and does not assist in safeguarding the countryside from encroachment.

Agricultural Land

Loss of best and most versatile agricultural land

Development in this location would impact on food security.

The applicant’s planning statement does not appear to detail any search for alternative sites. Where is the evidence that brownfield sites have been considered?

Ecology/Biodiversity

Key parts of the submitted Ecological Impact Assessment and Protected Species Survey have been redacted from the submission despite recommendations for protection measures to avoid harm to these protected species.

The proposal fails to demonstrate the presence of protected species on the site and that necessary mitigation measures are to be taken to safeguard protected species.

Design/Layout

No private amenity space is provided to the apartments/flats.

Affordable housing is grouped and not pepper potted through the proposal.

Pedestrian safety concerns due to extensive shared surfacing, especially on the western side where 22 homes lack dedicated footpaths. Wide corners and setback homes may encourage higher vehicle speeds, increasing conflict risks. The Kent Design Guide warns that such layouts promote faster driving. The southwest

corner's road design appears particularly problematic, again conflicting with NPPF guidance.

Drainage/Flooding

No robust surface-water strategy to NPPF and LLFA tests NPPF 181–182 requires site-specific assessment, SuDS unless clearly inappropriate, and secured lifetime maintenance. The submission does not (a) prove the discharge hierarchy with evidence (infiltration/watercourse/sewer), (b) size attenuation for the 1 in 100yr + climate change event, or (c) set out adoption and funded maintenance.

Greenfield runoff rates/volumes not demonstrated. For greenfield sites, peak and volume control must match greenfield conditions.

Known local surface-water issues ignored KCC's Tonbridge and Malling Surface Water Management Plan identifies local receptors and actions in the Rural Mid drainage area (includes Wateringbury Road). A major new discharge here needs robust modelling and mitigation; the submission is silent.

The applicant has not provided a compliant, maintainable SuDS strategy showing greenfield-rate discharge, climate-change resilience, groundwater protection, exceedance management, or foul-network capacity.

Heritage

Wateringbury Place is a Grade II* listed house with several associated Grade II structures (conservatory, outbuildings, gates and walls), all of which derive part of their significance from their landscaped and rural approach and wider setting around Tonbridge Road/Canon Lane.

TMBC's adopted MDE DPD identifies Wateringbury Place and its parkland within the Borough's Historic Parks and Gardens inventory, noting the connection with the Conservation Area.

One of the notable landmarks is Wateringbury Place, a beautiful Georgian house built around 1707 for Sir Thomas Style. The village was also known for its breweries, with Phoenix Brewery operating until 1982. Today Wateringbury still retains its historical charm, with landmarks like the Wateringbury railway station, a Grade II listed building continuing to tell the villages story through the ages.

General comments

The village green in Wateringbury is the only green public space that is available to all. This is the heart of the village and is very precious to those that live here. The field that has been marked for development is used as part of village events as the carpark and prevent major parking issues in the village and on to the A26.

These houses are directly on footpath KM17.

Such a large number of houses will also increase light pollution in a greenfield and conservation area.

Wateringbury is a village, we do not want to be joined to Teston, Kings Hill etc, we wish to retain our village status and beautiful surrounding countryside.

Wateringbury has benefitted from being a medium sized village, but would soon become a large one, but without amenities and facilities to cope with this change.

No Vehicle Tracking Plans have been submitted to confirm access for fire and refuse vehicles. This omission raises safety concerns regarding emergency and service access.

The plans show a Wild flower meadow which I understand would be owned by all the houses who would be responsible for its maintenance. I consider this would be unworkable. The maintenance of wild flower meadow to maintain their diversity need careful, and therefore quite costly, maintenance. The area should be gifted to the Parish Council.

The houses will be far too expensive for local farm workers and people who work in service industries will never afford your so called affordable housing is far from affordable.

6 Determining Issues:

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 Affordable Housing SPD.
- 6.4 Other material considerations include, Landscape Assessment of Kent (Oct 2004), Kent Downs AONB Landscape Character Assessment Update 2020 (Medway Valley Landscape Character Area 4B), Natural England National Character Area, Air Quality Strategy 2023 and Clean Air Strategy 2019.

Emerging Policy - TMBC Local Plan

- 6.5 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, this paved the way for the formal public consultation which commenced on 10 November 2025 to Midnight 2 January 2026. At the time of writing the Committee report, the representations received were being processed.
- 6.6 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 over the plan period, which equates to 1097 per year.
- 6.7 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.
- 6.8 The site has been assessed in regard to the call for site process and within the Green Belt Stage 1 and Stage 2 Assessment as part of the emerging Local Plan and this is discussed further within the committee report.
- 6.9 Both Wateringbury and the site has also been reviewed within the Landscape Character Assessment, and Landscape & Visual Appraisal evidence documents for the emerging Local Plan and these conclusions are also discussed further within the committee report.
- 6.10 Other documents within the Emerging Local Plan, include "A Green and Blue Infrastructure Strategy for Tonbridge and Malling March 2024".

Principle of development

- 6.11 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*".
- 6.12 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 (December 2025). As a consequence, the policies most important for determining this application for housing are now out of date in the context of footnote 8 of the NPPF.

- 6.13 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.
- 6.14 The development plan must remain the starting point for determining any planning application (as statutorily required by S38 (6) of the Planning and Compulsory Purchase Act 2006) which is overtly reiterated at paragraph 12 of the NPPF, the consequence of this must be an exercise to establish conformity between the development plan and the policies contained within the Framework as a whole and thus ultimately the acceptability of the scheme for determination
- 6.15 In relation to Paragraph 11d (i), the footnote to this paragraph (footnote 7) 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.
- Green Belt
- 6.16 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.
- 6.17 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.
- 6.18 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). The proposal

would not fall within any of the exception listed under paragraph 154 NPPF and therefore would be inappropriate development in the Green Belt.

Emerging Local Plan Evidence – Green Belt

6.19 The site (Site ID ref: 68460) was submitted under the ‘call for sites’ process, however, the site has been subsequently discounted, as it was deemed unsuitable for the following reason:

“The site is undeveloped agricultural fields. The site is located adjacent to the settlement boundary of Wateringbury. It is located within the Green Belt, and the Stage 2 Green Belt assessment considers that the site performs strongly against the NPPF purposes and makes an important contribution to the wider Green Belt. The site is also Grade 1 agricultural Land (Best and Most Versatile). The development of the site would result in an increase in traffic in the nearby AQMA. Due to the high sensitivity of the site to the purposes of the Green Belt and its designation as Grade 1 Agricultural land and also the likely worsening of air quality in the nearby AQMA it is considered that the site would be unsuitable for development”.

6.20 Within the Stage 2 Green Belt Assessment the site falls within site reference WA-03. This also includes a further parcel of land immediately adjacent to the southern boundary. The purpose of the Stage 2 Green Belt Assessment is to provide a robust local review of the Borough’s Green Belt to help inform the emerging Local Plan. This spatially focused and granular study has identified and assessed the performance of defined sub-areas against the National Planning Policy Framework (NPPF, 2024) Green Belt purposes (a) – (e):

6.21 The assessment also considers the role of the sub-areas within the wider Green Belt (Strategic Green Belt Assessment) and the strength of sub-area boundaries in relation to the NPPF Green Belt boundary definition. A final recommendation for each sub-area is presented within the assessment.

6.22 The table below sets out the conclusion for Site WA-03 on the five purposes of the Green Belt. (Scale range: 0 = weak to 5 = Strong)

Green Belt Purposes	WA-03
a) To check unrestricted sprawl of large built up area	0
b) To prevent neighbouring towns merging into one another	0
c) To assist in safeguarding the countryside from encroachment	5
d) To preserve the setting and special character of historic towns	0

e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.	1
Overall NPPF	Strong
Sub-area categorisation	Strong & Important

6.23 This clearly demonstrates that the site performs ‘strongly’ in safeguarding the Countryside from encroachment and as such in purely Green Belt policy terms the policies in the Framework that protect areas or assets of particular importance provides a ‘strong’ reason for refusing the development.

6.24 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 constitutes Grey Belt must also now be undertaken.

Grey Belt

6.25 In regard to Grey Belt, paragraph 155 (NPPF) 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.

6.26 Turning first to criterion a) under paragraph 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”. (My emphasis added)

6.27 Therefore, whilst under the Green Belt assessment set out above, it has been concluded that the site performs ‘strongly’ in safeguarding the Countryside from

encroachment, the definition of Grey Belt is clear that it excludes Green Belt. As such, the site is not located in any of the other assets referred to in footnote 7. Therefore, the next test 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). 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

6.28 The Council's emerging Local Plan evidence confirms that under criterion a), b) and d) the site performs weakly scoring 0 for each.

6.29 Therefore, to conclude on Para 155 criteria a), it is considered 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.

6.30 The PPG is clear and states "*After consideration of the above criteria, any assessment area that is not judged to strongly contribute to any one of purposes a, b, or d can be identified as grey belt land, subject to the exclusion of land where the application of the policies relating to the areas or assets in footnote 7 to the NPPF (other than Green Belt) would provide a strong reason for refusing or restricting development*". [Paragraph: 007 Reference ID: 64-007-20250225].

6.31 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.

6.32 In regard to c), this requires development to be in a sustainable location having specific regard to paragraphs 110 and 115 of the NPPF.

6.33 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.

6.34 Whilst the site is outside of the settlement of Wateringbury the site is not in an isolated location. The site sits adjacent to the Wateringbury settlement separated by Fields Lane to the west of the site.

6.35 Tonbridge Road benefits from regular street lighting, and footpaths on both side of the road, together with a zebra crossing, approximately 75 metres to the west of the site (measured from the centre of the proposed access).

- 6.36 Whilst the range of services is limited, there is public house, petrol garage with convenience store. The nearest bus stops to the site are 'The Watringbury' stops located on the Tonbridge Road within a two minute walk from the site close to the zebra crossing referred to.
- 6.37 The nearest rail station to the site is Watringbury, which is located 800m south from the centre of the site and can be accessed via a 10-minute walk or a 3-minute cycle. Watringbury station offers services to a range of destinations within Kent with services operating on a half hour frequency to Strood (via Maidstone, Aylesford, Snodland and Halling) and Paddock Wood (via Yalding and Beltring). In addition, there are 2 direct trains per day to Tonbridge (via Paddock Wood). These services provide connections to additional services that serve wider destinations including London.
- 6.38 Therefore, a residential scheme in this location is considered sustainably located and not 'heavily' reliant on the motor vehicle.
- 6.39 Lastly turning to criteria d), the application proposes 50% affordable provision and as such would comply with the Golden Rules.
- 6.40 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.
- 6.41 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)

- 6.42 After carrying out the 11(d)(i) exercise and subsequently concluding that the site would be considered Grey Belt and as such 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

- 6.43 The site lies outside the defined settlement confines of Waterinbury 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 not considered to be consistent with the language of the NPPF and therefore diminished weight is afforded to the policy in this case.

- 6.44 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 not be considered isolated for the purposes of paragraph 89 of the NPPF.

Assessment on Access, Parking and Highway Matters

- 6.45 Paragraph 115 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 116 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.
- 6.46 Paragraph 117 then sets out that all developments that will generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment so that the likely impacts of the proposal can be assessed.
- 6.47 Policy SQ8 of the MDE DPD sets out that before proposals for development are permitted, they will need to demonstrate that any necessary transport infrastructure, the need for which arises wholly or substantially from the development, is in place or is certain to be provided. It goes on to state that development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network.
- 6.48 Where significant traffic effects on the highway network and/or the environment are identified, the development shall only be allowed with appropriate mitigation measures, and these must be provided before the development is used or occupied. Development proposals should comply with the adopted parking standards.
- 6.49 The application proposes a primary vehicular access onto Tonbridge Road (A26) approximately 60 metres west of the junction for The Orpines which is located on the northern side of Tonbridge Road almost opposite the site. The planning statement states that *“the site access has been designed in accordance with the Kent Design Guide, taking the form of a priority-controlled junction. It will provide a 5.5m wide carriageway with 10.0m radii to allow refuse vehicles to safely manoeuvre in and out of the site”*.

- 6.50 A separate emergency vehicle access is also proposed onto Tonbridge Road which will accommodate pedestrian and cycle movements. This access would be a 3.7m wide, complying with the requirements of the Building Regulations 2010 for fire access.
- 6.51 The submitted Transport Assessment has been assessed by KCC Highways where it was noted that *“stagger distance between the new access and The Orpines is approximately 60 metres which meets Kent Design Guide standards; therefore, the new layout is acceptable. Also, the applicant has provided a supporting road safety audit which does not raise any issues with the design, except for considering pedestrian travel. The junction design will include dropped kerbs and tactile paving”*.
- 6.52 However, there were a few of points raised by KCC Highways which required further clarification, first it was noted *“The applicant has suggested using a DfT manual count (6286) to analyse traffic trends. The DfT collected data in 2021 but subsequent years have been estimated without having the data collection to support the numbers. KCC would still suggest that the assumption made to say that levels are not increasing leaves some doubt and may not be correct, and the applicant should interrogate this data further. The 2017 and 2024 traffic count data should be shared with KCC Highways, although these two data sources only provide two dates within the period and not necessarily a trend/pattern”*.
- 6.53 It was also noted: the internal site layout should ensure that vehicles do not park within the swept path and turning facilities of refuse vehicles. It is unclear whether the site will be offered for adoption to KCC, the applicant should clarify this point and possibly install measures to stop residents parking in turning places which could affect refuse vehicles carrying out waste collections.
- 6.54 In regard to parking provision KCC Highways noted in relation to the four-bedroom dwellings, that each property showed two parking spaces and proposed to utilise the garage for the third parking space. However, Kent Parking Standards does not accept garages for parking and as such it was requested that the applicant clarifies/addresses this point.
- 6.55 An updated Technical Transport note was submitted in response, which specially addressed those points set out above together with an updated parking provision/strategy layout, and refuse layout plan. The level of car parking provision will be provided in accordance with KCC’s Parking Standards. KCC Highway subsequently confirmed that no objection is raised on behalf of the local highway authority subject to conditions.
- 6.56 Electric vehicle (EV) charging points will be provided in accordance with the Building Regulations 2010. Cycle parking will be provided in accordance with KCC’s Parking Standards, with one cycle parking space provided per bedroom.

- 6.57 It was also noted that the refuse strategy shown on drawing number P24-2641_DE_001_D_12 is acceptable to KCC Highways. The Council's internal Waste Service team has also reviewed the application and raises no objection.
- 6.58 In addition, KCC Highways also commented that the new access point appears to affect an existing street lighting and Vehicle Actuated Sign (VAS). The applicant will be required to relocate the street lighting column equipment as part of any approval. The applicant should contact KCC's Street Lighting team to determine the best location for moving the column. The VAS will need to be removed and returned to KCC as the access junction could change the characteristics of traffic along A26 Tonbridge Road, this matter can be dealt with via a S278 agreement.
- 6.59 Concerns raised by interested parties in relation to highway matters have been noted. However, KCC Highways have reviewed the supporting information and has confirmed that there would be no harm to the safe and efficient operation of the highway network subject to conditions.
- 6.60 It is also to be noted that National Highways has reviewed the application and raised no objection stating that *"We are content that given the scale, form and location of the development, it would not result in an SRN safety or capacity concern needing to be further assessed or mitigated"*.
- 6.61 Watlington Parish Council has submitted a 'highway and transport appraisal' undertaken on behalf of the Parish Council by Les Henry Associates Ltd (dated Oct 2025) the content of which has been reviewed by KCC Highways, who have confirmed that it does not change their position. KCC Highway did however confirm one substantive point raised within the report that *"whilst it is acknowledged that the outputs for the modelling have not been provided within the planning submission, I have seen them as part of the pre-application process with us. As a result, we are satisfied that the modelling work is suitably robust"*.
- 6.62 Therefore, in terms of the access, parking and highway safety, it is considered that the development would not result in an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe. The proposal would therefore not conflict with Policy SQ8 of the MDE DPD or paragraphs 114-116 of the NPPF.

Other Highway Matters

- 6.63 The application also offers a financial contribution towards the upgrading of Watlington Crossroads with the implementation of MOVA. (Microprocessor Optimised Vehicle Actuation). In response to KCC initial comments on the amount suggested, the applicant has revised the proposed contribution and now offers £20k towards the introduction of MOVA technology at this junction. This would be secured via the S106 should permission be forthcoming.

Assessment on Landscape Character

- 6.64 Paragraph 187 (NPPF) states that planning policies and decisions should contribute and enhance the local environment by:
- (a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
 - (b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
 - (c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- 6.65 Paragraph 188 states *“Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries”*.
- 6.66 Policy SQ1 of the MDE DPD relates to Landscape and townscape protection and enhancement. The preamble to the policy states. *“In addition to the Areas of Outstanding Natural Beauty in the Borough, there are other broad areas of landscape which are of strategic importance either because they provide a setting to settlements and/or because they have landscape value in their own right as part of the wider historic landscape of the Borough. As well as these broad areas of landscape, there are many local areas in the Borough that play an important role in providing a setting to settlements and contribute to the character of the landscape and townscape. This may be by virtue of a particularly attractive landscape foreground to a settlement, or a particular architectural style or settlement pattern, or an open area which simply facilitates an attractive view of the settlement”*.
- 6.67 The diverse character of the towns, villages and countryside in Tonbridge and Malling should be protected and enhanced for its own sake as it is important for the social, economic and environmental wellbeing of the Borough. It is important that the unique characteristics of the area are identified and protected and where practicable enhanced in line with Core Policy CP24 having regard to the Character Area Appraisals SPD in order to strengthen this diversity rather than eroding its character and local distinctiveness.
- 6.68 Any new development should protect, conserve and, where possible, enhance:
- (a) the character and local distinctiveness of the area including its historical and architectural interest and the prevailing level of tranquillity;

(b) the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views; and

(c) the biodiversity value of the area, including patterns of vegetation, property boundaries and water bodies.

- 6.69 Interested parties have raised concerns in relation to the visual impact of the development within the wider context and specifically from the Medway Valley area immediately to the south/south east of the site.
- 6.70 The site itself is not located within any national or local landscape designations, albeit that the site is located within Natural England National Character Area (NCA) 120: - Wealden Greensand which comprises a long, curved belt of Wealden Greensand running across Kent, parallel to the North Downs, and through Surrey. It moves south, alongside the Hampshire Downs, before curving back eastwards to run parallel with the South Downs in West Sussex. Around a quarter of the NCA is made up of extensive belts of woodland – both ancient mixed woods and more recent conifer plantations. In contrast, the area also features more open areas of heath on acidic soils, river valleys and mixed farming, including areas of fruit growing (which is the area in which the site is located).
- 6.71 At a county level the site is identified within The Landscape Assessment of Kent (2004) as within the 'Greensand Fruit Belt – Wateringbury Character Area, and the wider area is within Medway Valley (Upper).
- 6.72 The surrounding area includes:
- Waregrave's Wood - approximately 490m Southeast of the site (Maidstone BC)
 - Teston Bridge Country park – approximately 820m east of the site. (Maidstone BC)
 - Wateringbury Place Non designated historic park and garden – approximately 900m north west of the site.
- 6.73 The Medway Valley Walk and Greensand Way are paths within the wider visual area to the south.
- 6.74 The application is accompanied by a Landscape and Visual Appraisal (incorporating Green Belt Review) this Appraisal identifies *“In evaluating the proposed residential development, the LVA assesses that, due to the sites location adjacent to the settlement edge of Wateringbury and the A26, (Tonbridge Road) the landscape effects are generally focused on the site itself and the local landscape associated with the Medway valley”*.
- 6.75 The LVA then contends that *“Views out from the site to the east and west are generally constrained by the vegetation and built form located at or close to the site boundaries. To the north, views are screened by rising landform and roadside*

vegetation along the A26. Open views are available to the south and south west across the River Medway towards the Greensand Fruit Belts and the distance wooded Greensand Ridge”.

- 6.76 However, the LVA does acknowledge that there will be several receptors that will experience a substantial change in their view. These include residents overlooking the site at Fields lane, walker using the footpath MR509, users of the A26 (Tonbridge Road) and users of the track leading to the Waterbury Playing Fields. The LVA confirms that these receptors will all experience major/moderate negative effects both in the short and long term
- 6.77 The LVA acknowledges that *“the paddocks within the site are highly susceptible to the proposed development because their key characteristics have no, or very limited, ability to accommodate it without transformation adverse effects”.* Concluding *“they have a medium sensitivity to the proposed change”.* The LVA then states *“Mature trees adjacent to the A26 (Tonbridge Road) and to the playing fields to the south west offer some sense of containment and filter/obstruct views into the site”.*
- 6.78 Whilst it is noted that views out from the site to the north and west are constrained by the existing built form. Views into the site from Tonbridge Road and Fields Lane are very clear due to the limited vegetation marking the boundaries (more so during the winter months). However, from the receptors identified above, the site would be viewed in the context of the surrounding area, which comprises residential development to the north, east and west.
- 6.79 The proposal also seeks to retain all of the boundary vegetation, with the exception of some vegetation along the A26 (Tonbridge Road). In addition, the Landscaping Masterplan (Drawing no. TR-05 Rev 4) proposes native parkland trees, fruit trees and native hedgerows etc. within the site and around the boundaries all of which will reinforce and enhance the existing landscape thus assisting in filtering views into the site. This additional planting will mitigate the major/moderate short and long term effects identified in the LVA, the application contends that the scheme has been designed to ensure that positive elements will be brought into the site and the public realm to the ensure that the new settlement edge present as an attractive extension to the existing built up area.
- 6.80 Before a conclusion is drawn on Landscape Character, the evidence base in preparation for the emerging Local Plan in relation to landscape is also a material consideration and feeds into the assessment of Landscape Character so this is discussed first.

Emerging Local Plan – Landscape Evidence

- 6.81 As part of the emerging Local Plan process various documents have been commissioned with the aim of assisting the Council’s spatial strategy for the area.

A Landscape Sensitivity Assessment (LSA), Landscape Character Assessment (LCA), and a Landscape and Visual Appraisal (LVA) have all been undertaken.

6.82 It is first important to note however, that for the purpose of all the Landscape documents, the sites development typology would fall within the category “small”, this being identified as *“Two and two and a half storey residential dwellings – either terraced, semi-detached or detached – with associated access roads, private gardens and garaging, and with an assumed density of approximately 30-40 dwellings per hectare”*. (as defined in Table 1 – Development typologies).

Settlement Tier	Sustainable Settlement Name
Small	Two/two and a half-storey residential dwellings – either terraced, semi-detached or detached – with associated access roads, private gardens and garaging, and with an assumed density of approximately 30-40 dwellings per hectare. (A small scale employment typology is not considered relevant for the purposes of development allocation as this is likely to be related to a single building or the reuse/extensions to an existing building.)
Medium	Two to three with some four-storey residential development – e.g. including blocks of flats, care homes or hotels with associated access roads, parking and communal open space and with an assumed density of approximately 40-50 dwellings per hectare; or Smaller scale commercial/industrial use – maximum two to three storeys with associated access roads, parking and open space – e.g. local business park units.
Large	Large scale residential development and high densities (+50 dwellings per hectare average), e.g. including multiple five storey plus blocks, Large commercial/industrial units or hotels – e.g. warehouses or office blocks, with large expanses of cladding or glass, access roads, large car parks and associated landscaping.

Table 1 Development Typologies

6.83 Within the LSA the site forms part of a wider site area KMW05. Within this assessment it is noted that the landscape value for the site is Medium Sensitivity and specifically considers that:

“This landscape is sensitive to large scale residential development, which could weaken traditional settlement boundaries and threaten the quiet, agricultural character. However, this is not a particularly valuable or distinctive area, and the existing well-established vegetation could provide screening of potential smaller housing developments close to the existing settlement of Wateringbury”.

6.84 Within the LCA (pages 143 to 147) the site is within - 5c Wateringbury Greensand Fruit Belt. The LCA also sets out the key characteristic and valued qualities of the area. It states, (amongst other suggestions) that:

- That new development should be sited in suitable locations with existing screening elements, making use of undulating landform and vegetation to contain development.

- New development, whether infill or on the periphery of existing settlements is mindful of the existing local vernacular, utilising appropriate materials including brick, ragstone, timber and weatherboarding to maintain historic character, looking to localised precedent.

6.85 Landscape and Visual Appraisal is a high level assessment of some 131 potential development sites promoted as part of the call for sites exercises. The purpose of the LVA is to provide a high-level appraisal for each site, which:

- Provides advice on the key landscape and visual sensitivities of each site.
- Identifies some of the key receptors to be considered within more detailed site assessment which should come forward in planning application documents provided by site promoters.
- Provides a high-level assessment of potential landscape and visual effects.
- Where relevant, includes an assessment of the potential effects of the development of each site on the special components of the National Landscapes and/or their settings.
- Proposes key strategic-scale mitigation measures that could avoid or mitigate adverse effects, along with opportunities to enhance the landscape.

6.86 The site within the LVA is referred to as site 59845 – Land North of Drayhorse Meadow. The assessment notes:

“Mid distance views are identified to the south and west. Views from the south along Medway Valley Walk, are filtered by trees along the River Medway which provide a degree of screening for potential development. Where the PRoW rises towards Tustham Hall, views become more elevated and less obscured, therefore potential development will be more visible from the higher ground and more prominent during winter than in the summertime.

Close range views from Tonbridge Road are partially screened along the road by shrubs and trees running along the northern boundary, and on the approach from the east the site is well screened, however views open up through gaps in the planting (VP247). Along Fields Lane the site has limited physical screening providing direct, unobstructed views along most of the extent of the western boundary (VP249).

Despite the site being so open and visible from the elevated grounds to the south, it being directly adjacent to the settlement, with residential properties to the east and the west, a small scale residential development typology could be accommodated with robust mitigation. Mitigation in the form of hedgerow and tree groupings, typical to the area, should be introduced along the more open edge on the west, together with strengthening the tree planting to the north, by planting up

gaps. To further reduce potential visual impact of proposed development tree groups, or a more substantial tree block, should be introduced along the southern boundary, which is most open and allows for a range of views from the south. With sensitive consideration of development density, massing and layout, alongside a considered landscape strategy a small to scale residential development typology could be successfully integrated without undue visual harm”.

6.87 The combined summary concludes:

“The site lies within LSA KMW05, assessed as having Medium–Low sensitivity to small scale and medium sensitivity to medium scale residential development. This reflects a moderate capacity for development without significantly affecting key landscape characteristics. Large scale development typology is deemed inappropriate in this location and has not been assessed.

The site is a series of paddocks and is open in character. This is the main perceptual landscape characteristic, alongside the sense of rurality and tranquillity, that would be altered and lost through the introduction of built form and associated hard surfacing. The loss of existing vegetation would be limited, as the main typology is open grassland. There would also be a partial urbanising effect of development on the countryside, however adjacent to existing settlement.

These changes would have a Moderate to Major-Moderate adverse impact in the case of small scale residential development typology and Major adverse for medium scale residential development typology.

The presence of adjacent residential dwellings to the eastern and the western boundaries would help integrate a smaller scale development into the local built context.

A small scale residential development typology could be accommodated on the site with a carefully considered design approach, incorporating a sympathetic layout and building character, alongside introduction of tree groupings and hedgerow planting reflective of the local landscape character, especially along the western and southern boundary, together with enhancement of the tree line running along the A26. While this type of development would result in some localised adverse landscape effects, particularly on perceptual qualities, these impacts would be limited in extent and could be effectively mitigated through sensitive design and strategic landscaping”.

6.88 Therefore, to conclude on Landscape Character, it is clear from the Landscape and Visual Appraisal undertaken for the emerging Local Plan that the site is capable of a small scale residential development typology and whilst this type of development would result in some localised adverse landscape effects, particularly on perceptual qualities, these impacts would be limited in extent and could be effectively mitigated through sensitive design and strategic landscaping”.

- 6.89 Notwithstanding the Landscape Master plan submitted with the application, a landscaping condition is suggested should permission be granted as this will allow the Local Authority to ensure that a robust landscaping scheme is achieved for the site.
- 6.90 It is also worth noting that Natural England has confirmed, based on the submitted plans, the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes and as such raises no objection.

Agricultural Land

- 6.91 Government Policy as set out in *“A Green Future: Our 25 Year Plan to Improve the Environment”* sets out the plan to improve the health of the environment and includes the aim of protecting the best agricultural land. Aligned with this aim, the NPPG Natural Environment states that planning policies and decisions should take account of the economic and other benefits of the best and most versatile agricultural land. Moreover, it highlights that soil is *“an essential natural capital asset that provides important ecosystem services, including as a growing medium for food, timber and other crops.”*
- 6.92 It is noted that the Agricultural Land Classification and Consideration supporting document which accompanies the application, identifies the site as Grade 2 and in places Grade 1 agricultural land. This is because, according to Natural England – ‘Provisional’ Agricultural Land Classification (ALC) (England) data the site comprises Grade 1 agricultural land.
- 6.93 Notwithstanding this, whilst Grade 1 land is classified as being of “excellent quality and Grade 2 is classified as ‘very good’ quality, both classifications form part of what is referred to as best and most versatile (BMV) agricultural land. So whether Grade 1 or Grade 2 the proposal would result in the loss of BMV land.
- 6.94 The Institute of Environmental Management and Assessment (IEMA) produced a Guide *“A New Perspective on Land and Soil in Environment Impact Assessment”* in February 2022. Whilst this refers to EIA development, it identifies in table 3 (page 49) the magnitude of the impacts on soil resources. Losses of under 5ha are defined as minor magnitude losses. Losses of between 5 – 20 ha is classified as moderate losses. Losses of over 20ha are considered to be major losses.
- 6.95 This proposal falls well below the ‘over 20ha’ threshold for consultation with Natural England in relation to the loss of BML It is therefore arguably not “significant” development of agricultural land in the context of the NPPF.
- 6.96 It is noted that the diminution of BMV land supply in this case would be under 5ha. Moreover, this land is not connected to any agricultural holding and has been used

for horse grazing for a number of years, therefore not currently serving any agricultural purpose. However, it is still possible that it could be put to such use in future if undeveloped and therefore the loss of the BMV weighs against the proposal. The loss of the BMV land would need to be considered overall in the planning balance exercise.

Heritage

- 6.97 Paragraph 208 of the NPPF states that local planning authorities should *“identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal”*.
- 6.98 In determining applications, paragraph 210 states *“local planning authorities 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”*.
- 6.99 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.
- 6.100 It must also be remembered that the LPA has statutory duties placed on it by the Planning (Listed buildings and Conservation Areas) Act 1990. Section 66(1) of the 1990 Act requires the decision maker to have special regard the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest that they possess. Section 72(1) of the 1990 Act similarly requires the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 6.101 The application site is located outside of the Waterinbury Conservation Area approximately 160 metres from the eastern boundary of the Conservation Area. The nearest listed building are within the Wateringbury Conservation Area. (1,3 5 and 7 Bow Road and Pelican Farmhouse Red Hill).
- 6.102 The Councils Conservation Officer notes:
- “The site is currently pastureland, and it was historically planted with hops and fruit trees. While the past uses of the site were closely linked to the agricultural settlement of Wateringbury, existing modern development to the east of the village*

has severed the traditional, functional relationship between and the historic settlement and the rural landscape.

Although further isolating the eastern spur of the conservation area from the open countryside to the east, the proposed domestically scaled development will have no direct relationship with the historic core, and it will not impinge on any characteristic views to or from the designated area.

Due to distance and intervening built form, the significance of the designated heritage assets to the west of the site will be little affected by the proposed development on the eastern periphery of their settings”.

- 6.103 On this basis it is considered that the proposal would not have an adverse impact on heritage assets and would therefore be in accordance with Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and the NPPF (2024).

Assessment on Character and Appearance

- 6.104 Paragraph 135 of the NPPF seeks to ensure that decisions result in developments which are visually attractive as a result 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.
- 6.105 Policy CP1 of the TMBCS states that all proposals for new development must result in a high-quality sustainable environment. This is expanded upon in sub-paragraph 6.1.5 and includes matters such as making efficient use of land and making a positive contribution to local distinctiveness, character, townscape and the setting of settlements.
- 6.106 These aims are echoed in Policy CP24 of the TMBCS, which seeks to ensure that all development is well designed and respects the site and its surroundings. In addition, policy SQ1 of the MDE DPD requires development to reflect the local distinctiveness, condition and sensitivity to change of the local character areas.
- 6.107 The site layout plans indicates that the proposed development would be sited more towards the western side of the site allowing for a large open space provision on the eastern side. This provides a landscape buffer between the proposed development and the neighbouring authorities boundary.
- 6.108 The development has been designed to be outward facing with a main primary central access road leading to secondary shared access roads all providing direct access to dwellings. The main street enters from the northern access point to the southern boundary. It consists of 5.5m carriageway with 2m footways either side. Its curved route will naturally calm traffic speeds. Built form will front this route providing strong levels of natural surveillance.

- 6.109 Shared surfaces are used as a transition between the main street and private driveways. These streets are design for low vehicle speeds and priority is given to all users. These streets will typically be block paved however details such as this would be determined via condition should permission be granted.
- 6.110 Affordable dwellings are located in two clusters, one in the northern parcel and the other in the southern parcel. Their appearance and parking arrangements are designed to be tenure blind, which means they will be indistinguishable from Open Market dwellings
- 6.111 Building heights across the development consist of 2 storey dwellings. The building heights have been limited to 2 storeys to ensure that the development is sensitive to the key views in to and from the site, also reflecting the semi-rural location and this accords with the 'small' development typology in the landscaping evidence for the emerging Local Plan. Should planning permission be forthcoming a condition would be imposed to ensure that no alterations are made to the roofs to create further additional accommodation, this would ensure that the dwellings remain true two storey dwellings.
- 6.112 Dwellings will be arranged along a relatively inconsistent building line, creating an irregular street pattern to aid in the creation of a more informal, rural appearance and a loose urban grain. Building setbacks will allow for opportunities for soft landscaping at the front of dwellings, contributing to softening the transition from the built-up area into the open space and the rural context beyond.
- 6.113 Material plan has been submitted with the application, two facing bricks are proposed; a red multi brick and orange brick. In addition, tile hanging, and weatherboarding is proposed in prominent locations to accentuate their importance and aid legibility. No objection is raised in relation to materials, however as set out previously details such as this this would be determined via condition should permission be granted.
- 6.114 The layout demonstrates that there will be a variety of green infrastructure across the site. New planting and trees will create an attractive place and a green settlement edge, as well as providing biodiversity enhancements.
- 6.115 Informal nature inspired play features including a play area are proposed, however, as set out further in the committee report concerns in regard to the size and type equipment proposed has been raised. However, this can be dealt with via a condition should permission be forthcoming. The site also provide a pedestrian link to Watringbury Play Fields to the south and this is welcomed.
- 6.116 On this basis, it is considered the proposed development, subject to conditions is in accordance with CP24 of the Core Strategy, SQ1 of the MDE DPD and the relevant paragraphs of the NPPF.

Housing Mix / Affordable Housing

- 6.117 NPPF paragraph 63 states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. The adopted development plan does not contain specific housing mix policies, although Core Strategy Policy CP1 states that provision will be made for housing to meet the needs of existing and future residents of the borough.
- 6.118 The proposal would provide 66 dwellings comprising a mix of 6 x 1 bed, 24 x 2 bed, 24 x 3 bed, and 11 x 4 bedroom homes.
- 6.119 As noted above the Council does not have specific policy in relation to housing mix, the Councils most up to date Strategic Housing Market Assessment (December 2025) (SHMA) recommends the following:

Table 8.15 Recommended Market Housing Mix

1-bed	10%
2-bed	30%
3-bed	40%
4+ bed	20%

Source: Icen Analysis

- 6.120 The proposal would provide 10% 1 beds, 36.5% 2 & 3 beds, and 17% 4 beds. However, whilst the proposal does not match exactly with the suggested mix set out in the SHMA 2025, it should be noted that the need for different house types does vary notably depending on the site location and thus local demography, for example whether it is in an urban or rural area. In this case the proposal provides an acceptable range (close to the recommended mix), in a sustainable location which is considered to outweigh the slight conflict with the recommended housing mix and in this instance is, on balance, acceptable.
- 6.121 Paragraph 64 (NPPF) notes where a need for affordable housing is identified planning policies should specify the type of affordable housing required (including the minimum proportion of Social Rent homes required) and moreover this should be provided on site unless off site provision or a financial contribution can be justified.
- 6.122 With regard to affordable housing provision, Policy CP17 of the Core Strategy requires sites within Urban Areas to provide 40% affordable housing on sites of 15 dwellings or more, or a site size 0.5ha or more. Supporting text confirms that this will be the starting point for negotiations on a site by site basis and is subject to viability considerations

- 6.123 However, in this case, due to compliance with Grey Belt and Paragraph 155 the scheme is required to provide 50% (33 dwellings) of the total number as affordable housing in line with the Golden Rules. Failure to provide 50% affordable provision would result in the site not meeting the Golden Rules and as such would become 'inappropriate' development by default.
- 6.124 In line with Policy CP17, the tenure split should be 70% rented and 30% intermediate/affordable home ownership (e.g. shared ownership). This equates to 23 rented homes and 10 affordable home ownership homes. In regard to the affordable mix the application has been amended following concerns raised by the Councils housing officer that the mix should be revised to include a greater proportion of family-sized homes, particularly 3-bedroom and 4-bedroom properties for rent.
- 6.125 The application now proposes 23 Affordable – Rented (comprising a mix of 6 x 1 bed, 7 x 2 bed, 7 x 3 bed and 3 x 4 bed. And 10 Affordable – shared ownership (comprising a mix of 7 x 2 bed and 3 x 3 bed). It is also proposed that 10% of these would be accessible. (6% of the proposed dwellings will be M4(2) and 4% of the proposed dwellings will be M4(3) adaptable).
- 6.126 The Councils housing officer has confirmed that the altered mix for affordable is acceptable. The tenure split and mix would therefore accord with relevant policy requirements as detailed in the affordable housing protocol. The size and type of dwellings is considered suitable in the context of local housing need.
- 6.127 The provision of affordable housing and arrangements to provide for local lettings would be secured via a S106 legal agreement, in the event planning permission is granted.

Impact on residential amenity

- 6.128 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.
- 6.129 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”.*
- 6.130 The nearest properties to the application site are 13 & 15 & Tonbridge Road; 1 and 2 Fields Lane; 26 Cobbs Close; 28 to 36 The Brucks; and 67 to 69 Phoenix Drive. However, due to the distances involved and the layout of the dwellings, there would be no impact on neighbouring amenity in regard to, overlooking, overshadowing and loss of privacy.

- 6.131 Therefore, to conclude on neighbour amenity, the proposal would not harm neighbour amenity and as such accords with Policy CP24 of the Tonbridge and Malling Borough Core Strategy and the aims of the NPPF

Standard of Accommodation

- 6.132 The National Design Guide (2021) sets out that high quality design includes the provision of satisfactory living conditions for future occupiers. All the proposed units would meet the national floorspace standards and provide sufficient and usable external amenity area.

- 6.133 It is important to note that the Council has not formally adopted these space standards but nonetheless, the measurements of the bedrooms and the development overall would comply with the Nationally Described Space Standards.

Noise Assessment

- 6.134 Paragraph 198 of the NPPF states that:

“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account 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 impacts resulting from noise from new development – and avoid giving rise to significant adverse impacts on health and the quality of life”.

- 6.135 Policy SQ6 MDE DPD requires proposals for noise sensitive development, including housing, to demonstrate that noise levels are appropriate for the proposed use.

- 6.136 A Planning Noise Assessment (SUONO) has been submitted in support of the application due to the proximity of the site to (A26) Tonbridge Road. The document has detailed noise measurements taken at three locations within the site. These have then been used to model noise across the site as a whole. The effect of the proposed buildings has then been incorporated to predict the final impact of noise upon the proposed dwellings

- 6.137 The Noise Assessment unsurprisingly identifies the most significant noise sources surrounding the site is from transportation noise (Tonbridge Road) to the north of the site.

- 6.138 A mitigation strategy has been developed such that the relevant noise criteria can be met across the site. It is recommended that standard thermal double glazing will be sufficient for all habitable rooms across the development. The

provision of up to three trickle ventilators in living rooms and two within bedroom areas would be acceptable on all habitable rooms on the northernmost façades.

- 6.139 The assessment also found that it will be possible for all external amenity spaces to meet acceptable noise targets.
- 6.140 The Councils Environmental Health Protection Officer has reviewed the submitted details and whilst content with the assessment initially raised a few queries that needed addressing. An updated Planning Noise Assessment (January 2026) was subsequently submitted to address these concerns and following a further consultation with the Council' Environmental Health Protection Officer no objection is raised in relation to Noise.
- 6.141 Overall, the Noise Assessment demonstrated that it will be entirely possible to ensure a suitable noise climate internally and externally for future residents of the proposed development and would be in accordance with Policy SQ6.

Air Quality

- 6.142 The National Planning Policy Framework (NPPF) (2024) sets out planning policy for England. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, and that the planning system has three overarching objectives, one of which (Paragraph 8c) is an environmental objective:

“to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution and mitigating and adapting to climate change, including moving to a low carbon economy”.

- 6.143 To prevent unacceptable risks from air pollution, Paragraph 187 of the NPPF states that:

“Planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans”.

- 6.144 Policy SQ4 MDE DPD which relates to Air Quality states development will only be permitted where all of the following criteria are met:

a) the proposed use does not result in a significant deterioration of the air quality of the area, either individually or cumulatively with other proposals or existing uses in the vicinity;

b) proposals will not result in the circumstances that would lead to the creation of a new Air Quality Management Area;

c) proximity to existing potentially air polluting uses will not have a harmful effects on the proposed use; and

d) there is no impact on the air quality of internationally, nationally and locally designated sites of nature conservation interest or appropriate mitigation is proposed to alleviate such impact.

6.145 An Air Quality Assessment ('AQA') was undertaken in support of this proposal. The assessment considered the impacts of the proposed development on local air quality in terms of dust and particulate matter (PM) emissions during construction and the emissions from road traffic generated by the completed and occupied development. In addition, the AQA identified the air quality conditions that future residents will experience.

6.146 The AQA concludes that air quality conditions for future residents of the proposed development have been shown to be acceptable, with concentrations well below the air quality objectives throughout the site. The overall operational air quality effects of the proposed development are thus judged to be 'not significant'.

6.147 The AQA notes that mitigation measures will need to be applied to minimise dust emissions. The AQA recommends appropriate measures and, with these measures in place, it is expected that any residual effects will be 'not significant'. These measures include

- setting back of the development buildings from roads by at least 20 m;
- one active electric vehicle charging point per home;
- preparation of a travel plan statement, including measures to promote sustainable travel;
- provision of a Welcome Pack which is available to all new residents online and as a booklet, containing information and incentives to encourage the use of sustainable transport modes from new occupier;
- EV recharging infrastructure within the development (wall mounted or free standing in-garage or off-street points) at one active charger per dwelling to support the transition to cleaner fuels;
- a permeable site with walking / cycling connectivity to existing active travel and public transport networks, allowing for local services and facilities to be accessed by sustainable modes;
- provision of secure cycle storage with one space provided per bedroom. Additionally, 5% of all cycle spaces will be of a larger nature, to accommodate

disabled / adaptive cycles to encourage users of all abilities to take up cycling;
and

- use of all electric energy strategy which includes heat pumps for heating to avoid the need for on-site combustion.

- 6.148 The Council' Environmental Health Protection Officer has reviewed the submitted information and raises no objection. However, it is suggested that electric charging points should be on all properties and this would be covered by building regulations.
- 6.149 Watringbury Parish Council has submitted an Air Quality Assessment Appraisal' undertaken on behalf of the Parish Council by Create Consulting Engineers (dated Oct 2025) the content of which has been reviewed by the Council's Environmental Health Protection Officer. The Environmental Health Protection Officer does not agree with the independent report and notes a couple of discrepancies, and confirms that the independent report does not change their position.
- 6.150 It was also suggested by Council' Environmental Health Protection Officer the that a financial contribution should be sought to fund an Air monitor to accurately assess the PM values from traffic in AQMA in Watringbury. Any financial contribution must meet the three statutory tests under Regulation of the Community Infrastructure Levy Regulations 2010 (as amended) and the National Planning Policy Framework: they must be necessary to make the development acceptable, directly related to the development, and fairly and reasonably related in scale and kind.
- 6.151 In this regard, given that it has been demonstrated the development would have an insignificant effect on air quality, including on the Watringbury Air Quality Management Area it is not consider that a financial contribution would be necessary and therefore would not meet the test as set out above.
- 6.152 It is therefore considered that, subject to a condition regarding the implementation of the mitigation measures set out above, that the proposal would have an insignificant effect on air quality, including on the Watringbury Air Quality Management Area would be acceptable.
- 6.153 Moreover, it should be noted that in the recent appeal decision for Land north-east and south of 161 Watringbury Road, East Malling. (Ref: TM/22/01570/OA / APP/H2265/W/25/3366031) the Inspector concluded "It has been satisfactorily demonstrated that the development would have an insignificant effect on air quality, including on the Watringbury Air Quality Management Area through a technical report prepared by a professional in the field. Although I have noted the general concerns raised on this matter, I have no evidence on which to come to a different conclusion (para 122).

Ecology and Biodiversity.

- 6.154 Policy NE2 of the MDE DPD outlines that the biodiversity of the Borough and in particular priority habitats, species and features, will be protected, conserved and enhanced.
- 6.155 Policy NE3 of the MDE DPD 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.
- 6.156 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 193 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.
- 6.157 Interested parties have raised concerns in relation to ecology in general and consider that the proposal fails to demonstrate the presence of protected species on the site and that necessary mitigation measures are to be taken to safeguard protected species.
- 6.158 The site and the surrounding area are not subject to any specific ecological policy designations. There are also no nearby ecological statutory designated sites
- 6.159 The application is accompanied by an Ecological Impact Assessment and a Habitats Regulations Assessment (Screening) (CSA; August 2025). These documents have been reviewed by KCC Ecology who confirm that they are satisfied the survey information provides a good understanding of the ecological interest of the site.
- 6.160 It is noted the bat surveys are ongoing, however, in the specific case, due to the current condition of the site and the proposed habitat creation KCC Ecology is satisfied that the final bat survey results can be used to inform a detailed mitigation strategy.

- 6.162 The proposal will result in the creation of an area of open space (including an ecology area) and provided that it is established as intended and managed in the long term KCC Ecology are satisfied that it will benefit protected/notable species.
- 6.163 An overview of the mitigation has been provided and again KCC Ecology are satisfied that it is appropriate but do request should planning permission be granted a Construction Ecological Management Plan is secured as a condition of planning permission.
- 6.164 In addition, a further condition is suggested in relation to lighting given that bats have been recorded within the site and lighting can have a negative impact on bats (and other nocturnal species) therefore any lighting must be designed to minimise light spill.
- 6.165 Turning next to BNG, under the Environment Act 2021, it is now a national requirement that small scale developments must provide at least a 10% biodiversity net gain. This needs to be demonstrated via a biodiversity metric confirming the existing condition of the land and what enhancements will be provided to ensure there is an overall improvement of at least 10% across the site.
- 6.166 A BNG metric, Habitats Regulations Assessment (Screening) (CSA; August 2025) and BNG Assessment have been provided in relation to BNG. KCC Ecology confirm they are satisfied with the baseline information and sufficient information has been provided to meet mandatory BNG.
- 6.167 The assessment demonstrates that there would be a 22% gain in area habitats and 803% Gain in linear habitats on the site as a result of the development. As such the submitted information has detailed that a BNG of over 10% can be achieve for habitats and linear features on site due to the creation of open space – including an ecology area.

Percentage Net Gain Required	Percentage Net Gain/Loss Reported for Area Habitats	Percentage Net Gain/Loss Reported for Linear Habitats	Net Gain Proposed: 1 – all on-site; 2 – no significant on-site and off-site; 3 - significant on-site and off-site	On-site 'significant' Net Gains Proposed (Yes/No)
10%	22% gain	803% Gain	All on site	Yes

- 6.168 Due to the proposed habitat creation and enhancement, the site meets the requirements for on-site 'significant'. Significant on-site gains are areas of habitat creation or enhancement which contribute significantly to the proposed development's biodiversity net gain relative to the biodiversity value before development. Retention of existing habitat cannot count as an on-site significant gain.

- 6.169 Government guidance states: “*The maintenance of these significant enhancements must be secured with a legal agreement or planning condition for 30 years in the same way as off-site gains. LPAs will consider the most appropriate mechanism and this will need to be agreed at the planning permission stage.1*”.
- 6.170 Therefore, these significant on-site gains would be, should permission be granted, subject to a S106 agreement to secure a monitoring fee and ensure enforceability over a 30-year period.
- 6.171 Additionally, KCC Ecology recommend conditions for a Habitat Management and Monitoring Plan to secure the implementation of the management to achieve significant on-site gains.
- 6.172 Subject to the aforementioned conditions and the significant BNG being secured via a S106 agreement, I am satisfied that the development would have a net positive effect on habitats and biodiversity in accordance with all relevant national and local planning policy in relation to ecology including Policies NE1-NE4 of the TMBC Local Development Framework Core Strategy and the NPPF.

Trees/Landscaping

- 6.173 Policy NE4 of the MDE DPD states, amongst other things, that the extent of tree cover and the hedgerow network should be maintained and enhanced. Provision should be made for the creation of new woodland and hedgerows, especially indigenous broad-leaved species, at appropriate locations to support and enhance the Green Infrastructure Network as illustrated on the Diagram. This includes provision of new habitats as part of development proposals.
- 6.174 Paragraph 136 of the NPPF recognises the importance of trees and states:

“Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.”
- 6.175 The application is accompanied by an Arboricultural Impact Assessment (AIA) (Barton Hyett Associated Aug 2025) This confirms that there is a totally of 44 Arboricultural features on/off the site, (i.e. trees, groups of trees and hedgerows), all of which are located on the peripheries of the site. One of the 20 trees has been categorised as ‘A’ grade (High quality), this is located adjacent to the eastern boundary and would not be affected by the proposal (Ref: T11 – A2) . 8 trees were awarded a ‘B’ Category, these are trees of moderate quality. There are no Tree Preservation Orders, veteran trees, or ancient trees on the site.

- 6.176 The AIA considers the effects of any tree loss required to implement the proposed development as well as any reasonably foreseeable, potentially damaging activities proposed in the vicinity of retained trees. This is undertaken with reference to BS 5837:2012 and considering the nature of the proposed development. Actual and potential impacts can include tree removal to facilitate the development, soil compaction in close proximity to trees and direct impact damage to the canopy and roots of retained trees from construction activities.
- 6.177 One individual tree (T5) and one hedgerow (H2) are proposed to be removed in order to facilitate the access and required visibility splays.
- 6.178 The Council's Tree and Landscaping officer has reviewed the submitted documents noting that the loss of trees along the frontage can be mitigated by new landscape planting delivered as part of the proposed development. Retained trees can be adequately protected during construction activities to sustain their health and longevity as such it would not be justifiable to refuse this application on tree grounds subject to the conditions. These conditions relate to, land levels, hard and soft landscaping, tree protection and method statement.
- 6.179 Overall, I am satisfied the proposal complies with Policy NE4 MDE DPD and relevant paragraphs of chapter 15 NPPF.

Contamination

- 6.180 Paragraph 196 (NPPF) states that planning policies and decisions should ensure that:
- a) a site is suitable for its proposed use taking account ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
 - b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
 - c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.
- 6.181 Paragraph 197 makes clear that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
- 6.182 In terms of land contamination, the submitted Phase 1 Desk Study and Preliminary Risk Assessment is considered to adequately review the history and

environmental setting of the site. No significant contamination requiring remedial action was identified or found.

- 6.183 The Council's Environmental Protection Officer has reviewed the submitted information and considers the report adequately reviews the history and environmental setting of the site. Significant contamination has not been identified and as such no further investigation or remedial work is required. However due to the presence of made ground on the site, which can vary greatly in composition, a watching brief condition is required.

Flooding/ Drainage

- 6.184 Paragraph 181 (NPPF) sets out "when determining any planning application, LPA should ensure that flood risk is not increased elsewhere. Where appropriate applications should be supported by a site-specific flood risk assessment.
- 6.185 Paragraph 182 (NPPF) also states that applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff and which are proportionate to the nature and scale of the proposal. These should provide multifunctional benefits wherever possible, through facilitating improvements in water quality and biodiversity, as well as benefits for amenity. Sustainable drainage systems provided as part of proposal for major development should:
- a) take account of advice from the Local Lead Flood Authority;
 - b) have appropriate proposed minimum operation standards; and
 - c) have maintenance arrangements in place to ensure an acceptable standard of operations of the lifetime of the development.
- 6.186 Policy CP10 (Flood Protection) TMBCS ultimately seeks to reduce flood risk and Policy CC3 (Adaptation – sustainable Drainage) MDE DPD comments that 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.
- 6.187 Policy SQ5 (Water Supply and Quality) MDE DPD expects all development to ensure adequate water and sewerage infrastructure is present or can be provided to meet future needs without compromising the quality and supply of services for existing users. Planning permission will only be granted for development which increases the demand for off-site water and sewerage infrastructure where: a) sufficient capacity already exists; or b) extra capacity can be provided in time to serve the development.

- 6.188 The site is within flood zone 1 and consequently has a low risk of surface water flooding. There are therefore no restrictive policies relating to flooding at the site. The application forms indicate that surface water will be disposed of via a combination of SuDs, Main Sewer and the existing Water Course. (However, there is no existing water course within the immediate area so this is not an option). In regard to Foul Sewage the application forms indicate this will be via main sewer.
- 6.189 The application is accompanied by a Flood Risk Assessment and Drainage Strategy this confirms that the site is at very low surface water flood risk and the site is not within an area with inland indicators of groundwater flooding but is in an area with potential for groundwater flooding to occur at the surface and potential for groundwater flooding of property situated below ground level. Due to this and then being in areas of 'low', 'moderate and 'high' risk, it can be seen that the development site is at low to high groundwater flood risk.
- 6.190 The Assessment also notes that infiltration techniques are not viable on site and there is no network of ditches, ordinary watercourses or culverts in the vicinity of the site. Therefore, the drainage strategy for the development will look to discharge surface water at a controlled rate via a flow control to the public surface water sewer via 'System C' non-infiltration pervious pavements and SuDS basin.
- 6.191 KCC Local Lead Flood Authority (LLFA), the Environment Agency, Southern and South East Water all have been consulted on the application. Southern Water confirmed that the site is not located within Southern Waters' statutory area for water supply and suggested to contact South East water. No response was received from South East water. The Environment Agency raised no objection but suggested that the applicant may be required to apply for other (no planning related) consents directly from them, this will be dealt with via an informative should permission be granted.
- 6.192 KCC LLFA, has reviewed the Flood Risk Assessment and Drainage Strategy (dated 20/08/2025) and raises no objection subject to conditions. The condition relates to KCC LLFA observations regarding the requirement for a sewer requisition to be made with Southern Water under Section 98 of the Water Industry Act. While the LLFA acknowledges that this process is independent of the planning system, the LLFA consider it is essential that the proposed outfall is secured through the inclusion of a planning condition.
- 6.193 In addition, LFFA also note as of June 2025, the Department for Environment, Food and Rural Affairs (Defra) has published the National Standards for Sustainable Drainage Systems (SuDS). Although these standards are not mandatory, KCC LLFA is seeking to apply them, where possible, to all new developments across Kent. One of the key requirements within these standards is the provision of interception storage (the first 5mm of runoff). In this regard it is

acknowledged that a large-scale attenuation basin is proposed, and the LLFA considers that leaving this feature unlined will allow for infiltration losses to occur prior to discharge into the surface water sewer.

- 6.194 Furthermore, the LLFA encourages the relocation of the basin inlet eastwards, away from the outfall, and the creation of a low-flow channel. This would allow low return period events (up to the 2-year event) to undergo increased filtration and treatment prior to entering the sewer network. Should planning permission be granted the LLFA request that a further condition is imposed in relation to the SuDs drainage scheme to deal with the aforementioned guidance.
- 6.195 The development subject to conditions would accord with the requirements of Policy CP10 TMBCS, SQ5 MDE DPD and the NPPF.

Public Right Of Way

- 6.196 Public Right of Way MR509, also known as Fields Lane, lies to the west of the proposed site. KCC Public Rights of Way and Access Service has confirmed that the public right of way will be unaffected by the application.

Open Space

- 6.197 Policy OS3 Managing Development and the Environment 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. Annex D to the Managing Development and the Environment DPD sets out the methodology that was followed for implementing Policy OS3 in respect of the development proposal.
- 6.198 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.
- 6.199 The proposal seeks to erect 66 dwellings and therefore, in accordance with Policy OS3, there will be a requirement for open space provision in accordance with the standards set out in Policy Annex OS3. Open space provision should in the first instance, be provided on the development site. If provision on-site or off-site is not feasible, contributions should be sought to enhance relevant existing open spaces. The opens space requirement generated by the development would be 13,976 square metres.
- 6.200 In this case, the proposal incorporates areas of open space provision throughout the site. Public open space is proposed along the east of the site, with informal nature inspired play features along the centre. Natural and Semi-Natural Green

Space will also be delivered across the scheme. In terms of contributions in this case the proposal provides on site provision with the exception of outdoor sports as such a contribution will be required for this element.

- 6.201 The Council's Leisure Services Officer has suggested that the site should provide a LAP and LEAP and a contribution towards a MUGA, noting that the proposed play provision is not currently adequate to fully meet its requirement.
- 6.202 It is also suggested the seats shown on the landscape plan could be improved by making these benches with backs and arms and for accessibility these should be provided on hard surface bases next to surfaced paths. The details can be finalised via the landscaping condition already suggested should permission be granted. Any financial contributions as set out above can be agreed in the event of a resolution to grant planning permission and secured by S.106 agreement.

Archaeology

- 6.203 The site lies within an area with potential for early prehistoric remains associated with movement of communities along the river valley. There is also potential for Roman archaeology, particularly associated with the Teston Roman villa estate.
- 6.204 The application is supported by a Heritage Desk-Based Assessment (DBA) and a Geophysical survey. KCC Heritage Conservation confirm that the Heritage DBA is acceptable and although the Geophysical Survey does not highlight much, it is accepted in that geophysical surveying does not respond to all types of archaeology and may not pick up presence of archaeology due to on site conditions.
- 6.205 In view of the archaeological potential, a pre commencement watching brief condition is required should planning permission be granted.

Public Sector Equality Duty – Equality Act 2010

- 6.206 Section 149 of the Equality Act 2010 introduced the Public Sector Equality Duty (PSED), which came into force in April 2011.
- 6.207 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.
- 6.208 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.

- 6.209 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.
- 6.210 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.
- 6.211 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.

Developer Contributions

- 6.212 Regulation 122 of the CIL Regulations (2010) set out the statutory framework for seeking planning obligations and states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development
- 6.213 Paragraph 57 of the NPPF reflects this statutory requirement.
- 6.214 The scheme proposes to provide 50% of the total number of dwellings as affordable housing and therefore accords the Golder Rules. The approval of the specific size, type and tenure of affordable housing and implementation of the provision will be secured under a S106 agreement to ensure that the provision comes forward in a manner that reflects and meets local need. The 50% affordable housing shall have a 70/30 split between affordable housing for rent and other affordable housing tenures.
- 6.215 Policy CP25 of the TMBCS states that:
1. Development will not be proposed in the LDF or permitted unless the service, transport and community infrastructure necessary to serve it is either available, or will be made available by the time it is needed. All development proposals must therefore either incorporate the infrastructure required as a result of the scheme, or make provision for financial contributions and/or land to secure such

infrastructure or service provision at the time it is needed, by means of conditions or a planning obligation.

- 6.216 KCC has advised that in order to mitigate the additional impact that the development would have on delivery of its secondary education and community services, the payment of appropriate financial contributions is required. Since KCC responded the mix of the application has been amended in line with comments from the Councils Affordable Housing Officer. Therefore, the financial contributions required will need to be adjusted to reflect this. However, as the principle of the contributions is agreed with the applicant, the amended financial contributions could be agreed via delegated powers and secured via a section 106 Agreement.
- 6.217 In regard to the contributions sought it is considered that sufficient detail has been provided in all these respects to ensure the relevant statutory and policy tests have been met, and if permission is minded to be granted then contributions should be secured through the legal agreement.
- 6.218 NHS ICB have advised that due to the potential patient numbers a contribution of £92,538 (Index Linked) towards refurbishment, reconfiguration and/or extension of practices that cover the development (ie Wateringbury) and other healthcare facilities within a 5 mile radius of the development site or towards new healthcare facility to be provided in the community in line with the healthcare infrastructure strategy for the area. Again, this requirement is considered to meet the necessary tests and should be secured within the final legal agreement.
- 6.219 TMBC apply open space contributions to developments of 5 dwellings and greater and therefore the proposal would be liable for a contribution subject to on-site open space provision covering Outdoor Sports Facilities. Again, this requirement is considered to meet the necessary tests and should be secured within the final legal agreement.

Planning Balance and conclusion

- 6.220 It has already been acknowledged that the Council cannot currently demonstrate a five-year housing land supply. In these circumstances the presumption in favour of sustainable development as set out at paragraph 11 of the NPPF (2024) must be considered when assessing a development for house(s).
- 6.221 Consequently, permission should be granted unless as in this case the application of policies in the Framework that protect areas or assets of particular importance provides a 'strong' reason for refusing the development proposed
- 6.222 It has been established that there are no adverse impacts that provide a 'strong' reason for refusing the development. Accordingly, the 'tilted balance' of Paragraph 11d(i) would not be displaced on or Green Belt grounds as the site constitutes Grey Belt and is appropriate development within the Green Belt.

- 6.223 The scheme would involve the provision of 66 dwellings, and as such would support the overarching aims of national and local planning policy in relation to housing delivery, and this attracts substantial weight in favour of the proposal due to the lack of 5 year housing supply.
- 6.224 The proposed development would also provide 50% affordable housing on-site in line with the Golden Rules (Para. 155 NPPF) which would contribute to addressing a recognised need for affordable housing in the Borough and this attracts substantial weight in favour of the proposal.
- 6.225 The proposal would generate economic benefits, both short term during the construction phase, and during the lifetime of the development. It would create investment in the locality and increase spending in local shops and services. The NPPF advises that significant weight should be placed on the need to support economic growth and productivity.
- 6.226 Weighing against the development is the loss of BMV land, however this loss needs to be weighed against the aforementioned benefits and specifically the substantial weight given to the provision of 66 dwellings and the substantial weight afforded to 50% of those dwellings being affordable in compliance with the Golden Rules (Para. 155 NPPF.)
- 6.227 In this case, the weight of other considerations in favour of the development are considered to clearly outweigh the harm identified by reason of the loss of the BMV land.
- 6.228 Having regard to the above, in applying paragraph 11(d)(ii) of the NPPF, it is considered that no unacceptable impact arising from the proposal has been identified that would significantly and demonstrably outweigh the potential benefits of the scheme. Therefore, the presumption in favour of development must apply in this case and consequently, the application is recommended for approval.

7 Recommendation: Approve subject to Section 106 agreement and conditions as set out below:

Heads and terms of S106 agreement

Open Space contributions
Developer Contributions
50% affordable provision
BNG Monitoring Fee
MOVA contribution

Conditions

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 91 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 – Drawing No. P24-2641_DE_001_D_5
- Site Layout Plan – Drawing No. P24-2641_DE_001_R_1
- Landscape Master Plan – Drawing No. TR-05 Rev 4
- Parking Strategy Plan – Drawing No. P24-2641_DE_001_C_11
- Materials Plan – Drawing No. P24-2641_DE_001_C_9
- Boundary Treatment Plan – Drawing No. P24-2641_DE_001_C_10
- Tenure Plan – Drawing No. P24-2641_DE_001_C_13
- Refuse Strategy Plan – Drawing No. P24-2641_DE_001_D_12
- Illustrative Landscape Typologies – Drawing No. TR-06 Rev 3
- House Type S2JAY Floor Plans & Elevations Plots - Drawing No. P24-2641_DE_004_B_01
- House Type A1SYCA Floor Plans & Elevations – Drawing No P24-2641_DE_004_B_10
- House Type A2HAZE Floor Plans & Elevations – Drawing No. P24-2641_DE_004_B_12
- House Type A3LAUR Floor Plans & Elevations – Drawing No. P24-2641_DE_004_B_14
- House Type S3KITE Floor Plans & Elevations - Drawing No. P24-2641_DE_004_B_02
- House Type S3ROBI Floor Plans & Elevations – Drawing No. 24-2641_DE_004_B_03
- House Type S30SPR Elevations – Drawing No. P24-2641_DE_004_B_04
- House Type P4ASTE Elevations – Drawing No. P24-2641_DE_004_B_05
- House Type P4ASTE Floor Plans Drawing No. P24-2641_DE_004_B_06
- House Type P4BIBL Elevations - Drawing No. P24-2641_DE_004_B_07
- House Type P4BIBL Floor Plans – Drawing No. P24-2641_DE_004_B_08
- House Type P4SORR Floor Plans & Elevations – Drawing No. P24-2641_DE_004_B_09
- A4WILL Floor Plans & Elevations – Drawing No. P24_2641_DE_004_B-20
- S3MAPL Floor Plans & Elevations – Drawing No. P24_2641_DE_004_B-21
- Single Carport – Floor Plans & Elevations – Drawing No. P24-2641_DE_004_A_15
- Double Carport – Floor Plans & Elevations – Drawing No. P24-2641_DE_004_A_16
- Single Garage – Floor Plans & Elevations – Drawing No. P24-2641_DE_004_A_17
- Double Garage Floor Plans & Elevations – Drawing No. P24-2641_DE_004_A_18

- Marketing Suite (Garage) Floor Plans & Elevations – Drawing No. P24-2641_DE_004_A_19
- Street Scenes – Drawing No. P24-2641_DE_005_B_01
- Proposed Level & Contours Sheet 1 – Drawing No. 5898-006
- Proposed Level & Contours Sheet 2 – Drawing No. 5898-006
- Planning Statement by Boyer Planning Dated Document Ref: IMS-F-18, Revision 3 Dated August 2025
- Planning Noise Assessment by SUONO – Document Ref: 29A5.RP.2.4 // 21 October 2025
- Agricultural Land Classification and Considerations by Kernon Countryside Consultants Ltd – dated August 2025.
- Air Quality Assessment Rev 2 by Logika Group dated 7 August 2025.
- Arboricultural Impact Assessment by Barton Hyett Associates Dated August 2025
- BNG Assessment Rev A: Design Stage by CSA Environmental Dated August 2025
- BNG Metric received 27 August 2025.
- Design & Access Statement by Pegasus Group Document Ref: P24-2641_G001B | August 2025
- Ecological Impact Assessment Rev A by CSA Environmental document Ref CSA/5702/05
- Energy and Sustainability Statement – by Energist dated 18 August 2025
- Flood Risk Assessment and Drainage Strategy by Motion dated August 2025
- Geophysical Survey Report by Magnitude Surveys Dated August 2025
- Habitats Regulations Assessment (Screening) by CSA Environmental Document ref: CSA/5702/06 dated August 205
- Heritage Desk Based Assessment by Pegasus Group document Ref: P24-2641 Dated July 2025.
- Transport Assessment by i-Transport Document Ref: JCB/MK/ITL200606-002 R Dated 11 July 2025
- Technical Report by i-Transport Documents Ref: JCB/MK/ITL200606-005 TN dated 8 October 2025
- Landscape and Visual Appraisal and Green Belt Review by SLR Consulting Ltd. Documents Ref: 402.065542.00001 Rev 05 dated 22 August 2025
- Desk Study, Site Investigation & Risk Assessment Report by ST Consult Report Ref: J16014 Issue 2 dated 19 August 2025
- Preliminary Utilities Appraisal Report and Appendix Rev 4 dated 27 August 2025
- Statement of Community Involvement by Fairthorn Consultancy received 27 August 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.

Highways / Parking

4. No development hereby permitted shall commence unless and until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following:

- (a) Routing of construction and delivery vehicles to / from site.
- (b) Parking and turning areas for construction and delivery vehicles and site personnel, which may require supporting vehicle tracking/swept paths.
- (c) Timing of deliveries, avoiding network and school peaks where possible.
- (d) Provision of wheel washing facilities.
- (e) Measures to prevent the discharge of surface water onto the highway.
- (f) Temporary traffic management / signage.

The Construction Management Plan shall thereafter be implemented in accordance with the approved details throughout the course of construction.

Reason: To ensure the safe and free flow of traffic

5. Prior to the first occupation of the dwellings 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. At least the first 5 metres of access from the edge of the highway shall also be constructed with the use of a bound surface. and thereafter retained and maintained.

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

6. The development hereby approved shall not be occupied until the parking spaces shown on Parking Strategy Plan Drawing No. P24-2641_DE_001_C_11 have been constructed for use of the proposed dwellings. Thereafter shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to these reserved parking spaces.

Reason: To ensure that parking is provided and maintained in accordance with the Council's adopted standards

7. Prior to the occupation of the dwellings, details of secure cycle and refuse storage facilities shall be submitted to and approved in writing by the Local planning authority. The dwellings shall not be occupied until the secure cycle and refuse storage has been provided in accordance with the approved details and thereafter be retained in perpetuity.

Reason: To facilitate the collection of refuse and to ensure that cycle storage is provided and maintained in accordance with the Council's adopted standards

Landscaping/Trees

8. Prior to the occupation of the first dwelling hereby approved a scheme of hard and soft landscaping and boundary treatment shall be submitted to and approved by the Local Planning Authority. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: In the interest of visual amenity.

9. The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:
 - (a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread.
 - (b) No fires shall be lit within the spread of the branches of the trees.
 - (c) No materials or equipment shall be stored within the spread of the branches of the trees.
 - (d) Any damage to trees shall be made good with a coating of fungicidal sealant.
 - (e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering

operations shall be constructed or carried out within the spread of the branches of the trees.

- (f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level

Reason: In the interests of visual amenity.

Ecology

10. No development shall be undertaken (including any site and/or vegetation clearance) until a construction ecological management plan (CEMP) which contains full details of the mitigation measures has been submitted to and approved in writing by the local planning authority. The CEMP shall be based on up-to-date ecological survey information, as advised by a suitably qualified ecologist and include the following:

- a) Retained tree and hedgerow protection measures in accordance with BS 5837:2012;
- b) Measures to avoid impacts to the retained habitats within the site including identification of a construction exclusion zone;
- c) Specific measures (which may be presented as a series of method statements) to avoid impacts to protected/notable species.
- d) The role and responsibilities of an Ecological Clerk of Works (ECoW) or similarly competent person(s); and
- e) Copies of any protected species mitigation licences issued by Natural England as required.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction.

11. The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan, and based on the most up-to-date and/or relevant ecology surveys as determined by a suitably qualified ecologist, has been submitted to, and approved in writing by, the local planning authority and including:

- a) non-technical summary;
- b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;

- c) the planned habitat retention, creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- d) Plans showing the habitats and management areas.
- e) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- f) the monitoring methodology and frequency in respect of the retained, created or enhanced habitat to be submitted to the local planning authority.

The retained, created and/or enhanced habitat specified in the approved HMMP shall be implemented, managed, maintained and monitored in accordance with the approved HMMP. Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To protect and enhance biodiversity in accordance with paragraphs 187, 192 and 193 of the National Planning Policy Framework (December 2024), and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006

- 12. Prior to occupation, a lighting plan shall be submitted to, and approved in writing by, the local planning authority. The plan shall show the type and locations of external lighting, as well as the expected light spill in lux levels, to demonstrate that areas to be lit shall not adversely impact biodiversity. All external lighting shall be installed in accordance with the specifications and locations set out in the approved plan and shall be maintained thereafter.

Reason: To limit the impact of light.

Drainage / Flooding

- 13. Development shall not commence until the necessary agreements for a connection into the offsite surface water sewer has been agreed. Evidence of the relevant agreement, either through a Section 98 of the Water Industry Act 1991 (sewer requisition) or third party access right will need to be submitted to and approved by the LPA.

Reason: To ensure that the necessary agreements are in place that secures the offsite connection in perpetuity of the development.

- 14. Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall

be based upon the principles contained within the Flood Risk Assessment and Drainage Strategy (Issue B) and show compliance with the required technical standards at the time of submission. The submission shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

15. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed. 3

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained

pursuant to the requirements of paragraph 182 of the National Planning Policy Framework.

16. 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 water 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

Contaminated Land

- 17 (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.

Archaeology

18. Prior to the commencement of development the applicant, or their agents or successors in title, will secure:
- i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
 - ii further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and

timetable which has been submitted to and approved by the Local Planning Authority;

iii programme of post excavation assessment and publication.

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

Other

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

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

Informatives

1. Under paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 (as amended) every planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:
 - (i) a) Biodiversity Gain Plan has been submitted to the planning authority, and
b) the planning authority has approved the plan.
 - (ii) This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.
 - (iii) For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the Government Website: Submit a biodiversity gain plan (www.gov.uk).

If the onsite habitat includes irreplaceable habitat, the Biodiversity Gain Plan must include:

- Information about steps taken or to be taken to minimise any adverse effect of the development on the habitat.
- Information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat are minimized and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits

2. To avoid undue disturbance to neighbours, during the demolition and construction phase, the hours of working (including deliveries) shall be restricted to Monday to Friday 07:30 hours - 18:30 hours. On Saturday 08:00 to 13:00 hours, with no work on Sundays or Public 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. The applicant is therefore advised to prohibit fires on site during the development stage of this project.
4. This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
5. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.
6. The Borough Council will need to create new street name(s) for this development together with a new street numbering scheme. To discuss the arrangements for the allocation of new street names and numbers you are asked to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to email to addresses@tmbc.gov.uk. To avoid difficulties, for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
7. Your attention is drawn to the comments within the Environment Agency response date 29 August 2025.
8. Your attention is drawn to the comments within Kent Police response dated 29 August 2025.

Contact: Susan Field



Planning Application TM/ 25/01412

Not to scale



Tonbridge & Malling Borough Council
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Kings Hill, West Malling
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Date: 23/1/2025 10:57

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Stansted
Pilgrims With Ightham

18 FEBRUARY 2026

TM/25/01596/PA

Location: Black Horse Inn, Tumblefield Road, Stansted, TN15 7PR

Proposal: Proposed change of use of part of the public house to form 2 x 1-bed and 2 x 2-bed apartments with associated parking, amenity space and use of existing access.

Go to: [Recommendation](#)

1. Description of Proposal:

- 1.1 Planning permission is sought for the change of use of part of the existing public house to form 2 x 1 bed and 2 x 2 bed apartments.
- 1.2 The part change of use would involve the conversion of part of the ground floor of the public house (dining room, kitchen and store) to form 2 no.1 bed studio apartments. These apartments would be accessed via an existing door on the southern elevation.
- 1.3 Alterations to the existing 4-bed accommodation at first floor level (above the public house) to form 2 no. 2-bed apartments. These apartments would be accessed via the western elevation. The entrance would be formed by changing an existing window to a door.
- 1.4 A small area immediately to the rear would form a communal open space for the benefit of the occupants of the apartments.
- 1.5 The layout of the existing parking area would be upgraded to provide 13 demarcated car parking spaces, which would serve both the proposed flats and the remaining public house.
- 1.6 The remaining ground floor commercial space, which would comprise the bar area with seating area, two further seating areas, toilet facilities and basement/seller would form the reduced public house. Access to the rear terrace / beer garden remains the same.
- 1.7 The entrance to the public house would be via the existing entrance. Outdoor seating to the front of the reduced public house would remain.

2. Reason for reporting to Committee:

- 2.1 The application is presented to committee at the request of Councillor Betts as the proposal would remove this asset from the community by virtue of viability to continue to operate a public house within the significantly reduced floor space. There is insufficient viability evidence for either the new proposed area for the continuation

of a public house or indeed to support the case for reducing the size of the existing public house. It is also considered the design is poor and not in keeping with the local vernacular.

3. The Site:

3.1 The site comprises a detached public house located on the western side of Tumblefield Road within the Countryside and Metropolitan Green Belt. To the southern end of the site is a car parking area associated with the public house, together with an open car port structure. To the north is detached single garage. There is level beer garden area to the rear, the remaining beer garden area then falls away to the west and north.

3.2 The public house has been closed since October 2024, and the entire site has been vacant since July 2025.

4. Planning History (relevant):

4.1 Whilst the site has some historic applications none are considered to be relevant to the scheme proposed.

5. Consultees:

5.1 The statutory comments listed below have been summarised, this is to ensure that the committee report is kept to a manageable level. All comments have been viewed in full by the Case Officer and can be viewed via the Council's website.

5.2 Stanstead Parish Council: Object

- The result of the application would be to leave the public house with a small 65 sqm bar with no kitchen and no ancillary manager accommodation in a rural location and the loss of tourist accommodation.
- The (PC) Heritage Impact Assessment concludes that the Black Horse Public House is a non-designated heritage asset (NDHA) of high local significance, it is a Positive Building within the Stansted Conservation Area (CA), as formally recognised in the Conservation Area Appraisal (2002).
- The Parish Council has submitted an offer to the owner of the public house based on a true market value for the existing building and land.
- The Parish's ability to purchase and run community facilities has been demonstrated by the recent acquisition of the Grange Park School. The Parish also runs a monthly pop-up community pub at the Village Hall, attended by up to 120 people, to seek to keep the spirit of the former public house a key feature within the local community.

- Regardless of any proposed noise attenuation, the juxtaposition of these two uses and the operational reductions, is highly likely to lead to conflict between the two uses.
- The viability report prepared by WTS confirms that the proposed operational size of the reduced public house would not be commercially viable.
- Four other local pubs have closed in recent years as referred to by WTS. This is only one left within the local catchment.
- Without any evidence from the application to support its contention that the public house is not viable, the Council cannot make a sound determination as to whether an alternative owner could make a successful operation of the public house.
- The application makes no provision or statement about retaining the car parking used by St Mary's Church, a valuable community use to the Church and local community.
- The application site is not Grey Belt as it fails to meet the NPPF Glossary definition, footnote 7 and paragraphs 155 and 156 of the Framework, with no provision for affordable housing.

5.3 Conservation Officer: No Objection

While allowing for some level of change, the proposal has little impact on the locally distinctive qualities of the Stansted conservation area or the special interest of the neighbouring listed building. The significance of the designated heritage assets remains unharmed and there is no objection in terms of TMBC Historic Environment Conservation Policy.

5.4 Environmental Health: Noise – No objection – observations made and an informative suggested.

5.5 Waste Services: Standard information

5.6 KCC Heritage Conservation: No comments received

5.7 South East Water: No comments received

Interested Parties:

5.8 As with statutory consultees, third party comments have been summarised and categorised. All comments have been viewed in full by the Case Officer and can be viewed via the Council's website.

Loss of Asset of Community Value

- It's also an absolute shame that the local community should lose the pub as for many years the pub has been a focal point for the local residents to meet and this type of establishment brings a community together.
- The community will lose an important social amenity.
- The scheme would harm a valued community asset, reduce viable pub space and facilities, and undermine policies intended to protect local services.
- The Black Horse is listed as an Asset of Community Value. That status recognises its social importance and means its ongoing role must be a central factor in any decision. For years it has served residents and visitors, including families, walkers, cyclists and guests linked to the London Golf Club and The Black Barn. Cutting the pub to a token operation with reduced floorspace, limited facilities and shorter hours would make it commercially unviable and defeat the purpose of the ACV.
- We have lost two pubs locally due to fire and this one was a real community centre for this area and this village which is such a thriving close nit community.
- I would often stop at the pub for refreshments when in the area on cycling days out into Kent. It was a very nice pub in a very nice village.
- The pub is an integral part of the village which is slowly losing its soul with the loss of the School the Pub and the Church are hugely important to bring the village together and create the community we have. This should not be run as anything other than a Pub.
- Although I live in Essex, I am a frequent visitor to Kent for family reasons. I have enjoyed visiting the pub on a regular basis, particularly at Christmas time.

Viability

- An independent viability report indicates the reduced pub would not survive. It dismisses the market need for a proper food offer, adequate seating and visitor accommodation. Removing the existing B and B rooms further weakens its role in the local visitor economy.
- An independent report says the reduced pub would not be commercially viable, is a suboptimal size, ignores current market requirement to include a food offer and ignores the local and sub-regional market for a successful public house in Stansted that could serve tourist and guest requirements.
- The viability of the business has been damaged by poor management during the most recent ownership.
- The reduction in size of the public house is considered not to improve the viability of the business as it will not have a food offering which is essential for a rural pub.
- Using the rooms as bed and breakfast accommodation is far better for the local economy and would make the pub more viable.

- The applicant's plan to reduce the size of the public house is fundamentally flawed and ignores clear evidence. An independent report confirms that the reduced pub would not be commercially viable, would be a sub-optimal size, and fails to meet current market expectations, particularly the essential requirement for a food-led offer.

Noise complaints

- The design places small pub operations beside new homes, almost guaranteeing noise complaints and operational curbs that would push the pub toward closure.
- The close proximity of the apartments adjacent to the revised public house is highly undesirable primarily due to noise transfer.

Heritage

- The Black Horse is a defining element of the Stansted Conservation Area.
- The public house contributes significantly to the village's historic character and identity. Its conversion to flats would alter the traditional appearance and function of the building, detracting from the heritage and aesthetic appeal of the area.
- The Black Horse Public House is officially recognised as an asset of community value, which means its social importance must be a key factor in any planning decision. The application does not adequately address this status. The public house is a designated and non designated heritage asset, being located within the Stansted conservation area and historic building. The application harms the character and appearance of that area.

Parking

- The scheme also removes community parking used by St Marys Church,
- The provision of just 13 parking spaces is not sufficient for 4 apartments, pub, staff and customers.
- The plan does not mention keeping car parking used by the nearby church, which is important for the community.

Other

- The National Planning Policy Framework (NPPF, Paragraph 93) emphasises the importance of retaining facilities that enhance the sustainability and social well-being of communities. Approving this change of use would run contrary to that principle.
- The site does not qualify as Grey Belt, and there is no provision for affordable housing included.
- The national planning policy framework, paras 88,98 and 200, and emerging local plan supports keeping accessible local and community services. This pub is

that and with many others closing where there's a viable option to sell to the village that should be considered.

- The emerging Local Plan includes Policy INF4, which aligns with NPPF 2024 and requires demonstration that the pub is no longer needed, viable or there is adequate provision elsewhere locally.
- With the loss of several other local pubs in the vicinity it is even more necessary for there to be a public house with accommodation in Stansted.
- Biodiversity Net Gain is a legal requirement of any application and nothing is proposed in this application which argues BNG exemptions by limiting the red line boundary of the application site and removing any existing habitat within the red line boundary
- The limited size will no longer be able to host the monthly Charity Quiz Nights
- Just because the owners' marketing campaigns and running of the pub over the last 3 years wasn't effective doesn't mean it's not valued or needed.
- Removing this pub will significantly reduce opportunities for social interaction among residents. In rural and semi-rural areas, such venues are essential for combating isolation and loneliness, particularly for older residents and those without easy access to transport. The loss of this facility would undermine efforts to promote mental health and community cohesion.

Support

- It is well known that public houses have had their day, they are unsustainable, this looks like a good mixture of housing and brewing thus keeping the brewing industry going.
- It is all very well complaining that a local public house will be gone forever but before this actually came about how many local people used it on a daily basis, and even then, it would probably still be unsustainable. Whatever happens if this is not allowed you will end up with an empty property of no use to anyone.

6. Determining Issues:

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 Stansted Conservation Area (Sept 2002).

Emerging Policy - TMBC 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, which paved the way for the formal public consultation. This ended on the 2 January 2026, and those representations received are currently being processed.
- 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 The emerging Local Plan is at Regulation 18 stage and therefore carries limited weight. However, the evidence base in preparation for the emerging Local Plan is a material consideration in the determination of the application.

Principle of development

- 6.7 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”*.
- 6.8 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 (December 2025). As a consequence, the policies most important for determining this application for housing are now out of date in the context of footnote 8 of the NPPF.
- 6.9 Applying the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF (2024) in the context of decision-taking 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.

6.10 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, this includes Green Belt and Designated Heritage Assets. 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

6.11 The site lies within the Stansted Conservation Area. There are listed buildings within the immediate area, the closest being Church Cottage a Grade II, two storey detached dwelling and the other the Church of St Marys located to the north east.

6.12 Paragraph 208 of the NPPF states that local planning authorities should “*identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal*”.

6.13 In determining applications, paragraph 210 states “*local planning authorities 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*”.

6.14 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

6.15 Paragraph 215 of the NPPF states “*Where a development proposal will lead 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.*”

6.16 It must also be remembered that the LPA has statutory duties placed on it by the Planning (Listed buildings and Conservation Areas) Act 1990. Section 66(1) of the 1990 Act requires the decision maker to have special regard the desirability of

preserving listed buildings or their setting or any features of special architectural or historic interest that they possess. Section 72(1) of the 1990 Act similarly requires the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas

- 6.17 The Parish Council and interested parties have raised concerns in relation to heritage, stating amongst other points that the Black Horse public house contributes significantly to the village's historic character and identity and that the public house is a non-designated heritage asset, being located within the Stansted Conservation Area and a historic building.
- 6.18 First it is important to reiterate that the public house is not being lost, the application seeks to reduce the size of the public house and the first floor is already in residential use. Furthermore, the Black Horse public house is not a designated or non-designated heritage asset or an historic building as defined by current legislation.
- 6.19 The application is accompanied by a Heritage Statement, (DAC Architects dated Sept 2025) which sets out the significance of the Stansted Conservation Area, noting that the Black Horse public house building is a key focal point along Tumblefield Road as such the building makes a positive contribution to the street scene. The report notes the proposal retains the Black Horse as a public house albeit reduced in size and moreover that there are no changes at all to the front façade facing Tumblefield Road & St Marys Church.
- 6.20 The Council's Conservation Officer has reviewed the application and confirms that the building has a strong presence in the street scene of Tumblefield Road. In considering the impact on significance the Councils Conservation Officer notes:
- "The proposal retains part of the building in Public House use, while converting the southern part of the ground floor and the entire first floor to residential use. This changes the balance of the existing uses from hospitality with secondary residential, to mainly residential with some hospitality use. However, the exterior of the building remains unaltered, and existing parking and access arrangements are utilised. Most of the proposed private amenity space is discretely contained to the rear, and where abutting the building frontage, it is screened from the Conservation Area street scene by hedging.*
- Although the proposal requires considerable interior alteration, the dignified exterior of the Black Horse Inn is preserved, and change within the immediate setting of the building is limited. The proposal thus largely preserves the status quo and avoids harm to the significance of the potentially affected designated heritage assets".*
- 6.21 Concluding *"While allowing for some level of change, the proposal has little impact on the locally distinctive qualities of the Stansted Conservation Area or the special interest of the neighbouring listed building. The significance of the designated heritage assets remains unharmed and there is no objection in terms of TMBC Historic Environment Conservation Policy".*

6.22 On this basis it is considered that the proposal would not have an adverse impact on heritage assets and would therefore be in accordance with Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and the NPPF (2024). Accordingly, the 'tilted balance' of Paragraph 11d(i) would not be displaced on Heritage grounds.

Green Belt

6.23 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.

6.24 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.

6.25 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). This includes:

*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** (my emphasis added).*

6.26 There is no dispute that the site comprises previously developed land (PDL) as such the principle of development is acceptable providing the proposal would not cause 'substantial' harm to the openness of the Green Belt.

Assessment on Openness

6.27 Openness has both a spatial dimension and a visual dimension and these dimensions work in tandem and not in isolation. Therefore, when assessing whether the development as a whole would cause substantial harm to 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.

6.28 In this case as the majority of the works are internal and there would be no changes to the front facade of the building, therefore in regard to the Green Belt, the proposal would have little impact either spatial or visually. The only changes to the front relate to the forecourt area where it is noted that the residential half of the building would be enclosed by a native hedge. This would be in line the Stansted Conservation Area appraisal which notes there is a lack of enclosure to the car park area of the public

house and states that this should preferably be addressed, with enclosure of the rural lanes reestablished.

- 6.29 Therefore, the proposal would not cause 'substantial' harm to openness of the Green Belt and therefore meets criterion g) of paragraph 154 NPPF and would be appropriate development in the Green Belt. Accordingly, the 'tilted balance' of Paragraph 11d(i) would not be displaced on Green Belt grounds.

Conclusion on Paragraph 11 (d)(i)

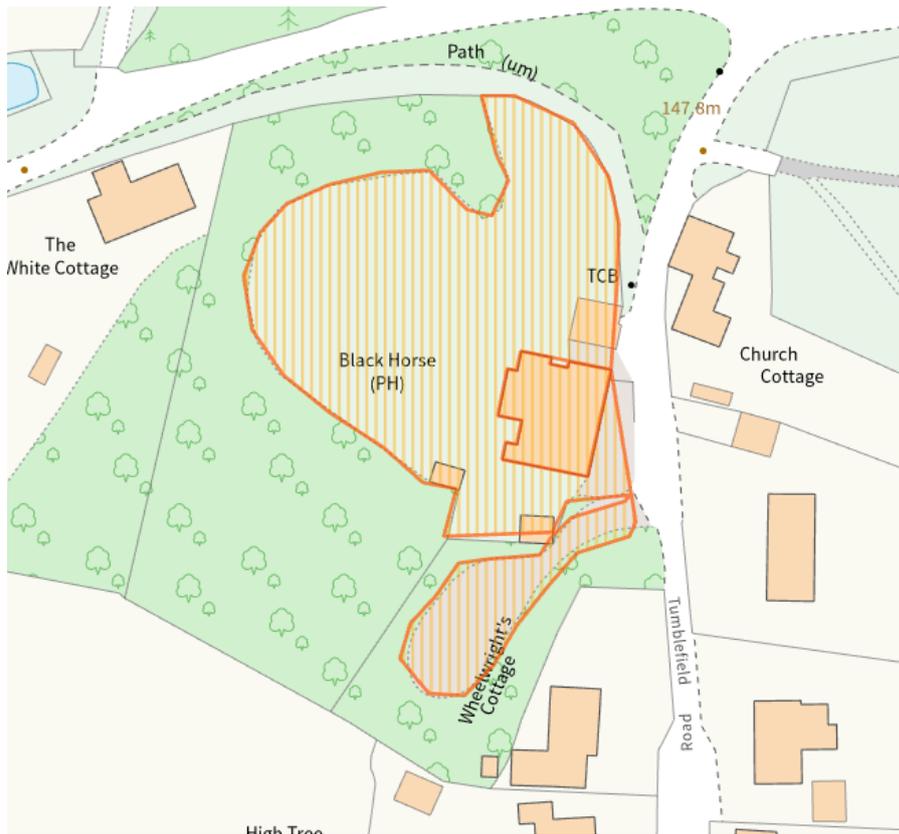
- 6.30 After carrying out the 11(d)(i) exercise and subsequently concluding that there are no "restrictive policies" in the NPPF which provide a 'strong' reason for refusal, the application must therefore be considered against paragraph 11(d)(ii) of the NPPF and planning permission should be granted 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

- 6.31 The site lies outside the defined settlement confines of Hadlow 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, 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 neatly within those categories listed in Core Strategy Policy CP14, albeit the proposal is in part for the conversion of an existing building for residential use, however, this policy pre-dates the NPPF and is not considered to be consistent with the language of the NPPF and therefore diminished weight is afforded to the policy in this case.

Asset of Community Value

- 6.32 In July 2024 the Black Horse public house was designated as an Asset of Community Value (ACV) with the land surrounding the Black Horse public house also designated as an ACV in January 2025 (24/00001 & 2/AOCVA) (see below).



- 6.33 It is important to note that an **ACV listing does not place any restriction on what an owner can do with their property**, once listed, **if it remains in their ownership** (my emphasis added). This is because it is planning policy that determines permitted uses for particular sites. However, an ACV is a material consideration, and it is for a Local Planning Authority to decide what weight to place on an ACV, having regard for the reason for the ACV, the proposal submitted and considering all the circumstances of the case.
- 6.34 It is also important to clarify that there is a difference between a Community Asset and an ACV. A Community Asset is a broad term for any building or land that benefits the local area, while an ACV is a specific legal designation under the UK's Localism Act for private or public land that furthers social well-being, granting community groups **a temporary right to bid if it's sold** (my emphasis added).
- 6.35 The Localism Act 2011 requires all district and unitary authorities to keep a list of properties deemed to be of community value. Typically, they will remain on this list for up to five years. If the owner of an ACV decides to sell, they must contact the Council who will notify the community group that first nominated the asset. The community group then has up to six weeks to register its interest as a potential bidder, triggering the six month moratorium period, during which they have an opportunity to raise funds to allow them to make a bid on the open market. **The right to bid does not give the right of first refusal to the community group**, however during the six month moratorium the owner of the ACV cannot agree a sale with

anyone else. Once the six month moratorium period has finished the owner can sell to whoever and at whatever price they choose.

- 6.36 In this case, the Council received notification to sell on 14 January 2025. This triggered the first stage of the moratorium in which Stansted Parish Council registered its interest as a potential bidder.
- 6.37 As stated above the Parish Council then had a six month moratorium period during which they have an opportunity to raise funds to allow them to make a bid on the open market which in this case ended 14 July 2025. The Parish Councils representations state that an offer based on the true market value of the existing building and land has been submitted. It is important to note that this states the 'true' market value and therefore is not (in the owner's opinion) representative of the market value of the property. Community groups are not entitled to a discount; they must bid at market value like any other buyer.
- 6.38 Moreover, it is also important to reiterate that the owner is not forced to sell to the community or accept their bid, even if it is the highest. In this case the six month moratorium period has passed (14 July 2025) therefore the owner can sell on the open market, within a 1 year period (ending 14 July 2026). However, if the ACV is not sold within that period, should the owner wish sell at a later date the process would start again.

Weight afforded to the ACV

- 6.39 In determining the weight to be afforded to the ACV, I have reviewed the original nomination and the rationale for the ACV, this states *"The Black Horse is a popular venue for locals to socialise and congregate. The pub plays a particularly important role when there are village events such as fetes and national celebrations and it hosts regular quiz nights. The pub is used by visitors and, in particular, those exploring the local area. Furthermore, The Black Horse is currently the only pub in the parish and is a local employer"*.
- 6.40 Turning first to the first element *"The Black Horse is a popular venue for locals to socialise and congregate"*. Whilst there is no defined meaning for "social wellbeing" for the purposes of an ACV it could be considered to include activities such as social gatherings which are clearly valuable to a person's quality of life and therefore amount to a use which furthers social wellbeing of the local community.
- 6.41 Whilst it is recognised the importance for a community to be able to socialise and congregate. In this case, that ability would remain as the application does not seek the complete loss of the public house.
- 6.42 Moreover, it is also noted that the Parish Council currently operates a pop up pub (once a month) which takes place within the village hall, thus allowing for the community to socialise and congregate, (it is also important to note that the pop up pub does not serve food) for which the Parish Councils representations confirm that

this is well attended, therefore arguably the community would still have the opportunity to socialise and congregate albeit limited at the present time.

- 6.43 In regard to *“The pub plays a particularly important role when there are village events such as fetes and national celebrations and it hosts regular quiz nights”*. Again, in this case the public house remains and the reduction in floor space does not stop the ability to host quiz nights or village events (there would be no significant change to the outdoor grounds of the public house).
- 6.44 Furthermore, the village hall also has the capacity to host village events such as fetes and national celebrations and regular quiz nights. Moreover, planning permission was granted in August 2025 to demolish the village hall and erect a larger village hall incorporating a community café (25/00341/PA). The hall and café are designed to function independently having separate entrances.
- 6.45 Lastly in regard to *“The pub is used by visitors and, in particular, those exploring the local area. Furthermore, The Black Horse is currently the only pub in the parish and is a local employer”*. The reduction in floor space would not stop the pub being used by visitors. Furthermore, as stated above the new café (when built) would operate independently to the village hall therefore this additional facility will be available to walkers and cyclists visiting the area. Whilst a reduce size would mean less staff, the reduction in floor space does not prohibit employment.
- 6.46 Based on the aforementioned, little weight is attributed to the public house being an ACV in regard to the determination of this specific application, as the proposal would not result in the loss of the public house, nor would it prohibit social wellbeing being available for the local community, which was the rationale for the ACV being granted.
- 6.47 Furthermore paragraph 88 of the NPPF relates to supporting a prosperous rural economy which notes (amongst other criteria), that planning policies and decisions should enable d) the retention and development of accessible local services and community facilities, such as shop, meeting places, sports venues, open spaces, cultural buildings, public houses and places of worship.
- 6.48 This application strikes a balance between retaining the existing public house albeit with a reduction in floor space and providing residential dwellings that will assist with the council’s much needed housing in the borough and the aims of the NPPF in boosting the supply of housing.

Assessment of the reduction in floor space to the Public House

- 6.49 Whilst policy DC1 MDE DPD relates to re-use of rural buildings and policy DC7 MDE DPD relates to community facilities outside the settlement confines, these policies do not specifically address to the loss or reduction in floor space of a community facility.
- 6.50 Policy CP26 (TMBCS) relates to community services and transport infrastructure. The preamble notes that for communities to be sustainable, it is essential for a range

of community services to be available, and the Council will protect viable community facilities that play an important role in the social infrastructure of the area.

6.51 Criterion 3 of Policy CP26 states: *“Proposals for development that would result in the loss in whole or part of sites and premises currently or last used for the provision of community services or recreation, leisure or cultural facilities will only be proposed in the LDF or otherwise permitted if:*

- (a) an alternative facility of equivalent or better quality and scale to meet identified need is either available, or will be satisfactorily provided at an equally accessible location; or*
- (b) a significant enhancement to the nature and quality of an existing facility will result from the development of part of that facility; or*
- (c) the applicant has proved, to the satisfaction of the Council, that for the foreseeable future there is likely to be an absence of need or adequate support for the facility”.*

6.52 Economic and social changes in recent decades have severely affected the viability of public houses and more so in rural areas. As the Parish Council acknowledge four other local public houses have closed in recent years due to viability. This also demonstrates that the loss of a public house does not mean that trade will improve for other pubs in the area.

6.53 This application seeks to adapt the public house to better suite the current economic and social conditions. In order to achieve this the proposal seeks to reduce the size of the pub to a smaller size reflective of demand, that can be run with lower staffing levels.

6.54 In support of the reduction in floor space, a viability statement has been provided, this set out the viability position of the existing public house and seeks to demonstrate the positives of retaining a smaller public houses alongside a partial conversion.

6.55 Turning first to viability, evidence has been submitted which confirms that for many years the Black Horse public house has not made a profit and in fact the evidence confirms that one previous owner (pre Covid) went into liquidation with significant debts.

6.56 In addition, full accounts have also been provided for the current owner, these clearly demonstrates losses (even before the pub was closed).

6.57 Therefore, in regard to existing viability, it has been demonstrated that the Black Horse public house has been running at a loss for the last 10 years, which includes 3 different terms of management (including during the times food was served).

- 6.58 The viability supporting document suggests under the proposed mixed-use model, that it is intended to address the causes of past financial failure, this would be achieved by:
- The residential portion bearing the majority of the building's fixed costs, such as insurance, maintenance and utilities.
 - The retained public house will operate on a small scale – suitable for a single operator or couple with limited hours, no kitchen and very low staffing and utility demands,
 - The remaining space is more likely to be managed profitably with a modest turnover, aligning with the limited catchment population of less than 500 residents.
- 6.59 Third party comments in relation to the resulting floor space not being viable, and the viability statement submitted on behalf of the Parish Council have been noted and reviewed.
- 6.60 The viability statement on behalf of the Parish Council, does not provide any evidence that the reduced size of the public house would not be viable. The conclusion is based solely on a personal view that the size of the pub is more likely to be viable in its current form than if it is reduced, and without space for a restaurant/dining area, the pub is highly likely to fail.
- 6.61 In response to comments on the future viability, the applicant has submitted an addendum to the Planning Statement, this provides two case studies, together with an assessment on the viability of a micro pubs.
- 6.62 Whilst it is accepted that there is no guarantee that the reduced size would be viable, as this is dependent on so many external factors, Members are reminded, the planning policy test is not whether a future alternative proposal is viable. When granting planning permission for any commercial enterprise, there is no guarantee that it will be a success. For example, when a planning application is submitted for the change of use to a shop, the Council does not request a viability appraisal to confirm that the proposed use is viable, and it would be unreasonable to do so in this case.
- 6.63 The planning policy test is whether it has been demonstrated that the existing public house is not viable, in this regard, it has been demonstrated that the Public House is not viable in its current form.

Access and Parking

- 6.64 Paragraph 115 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.

- 6.65 Paragraph 116 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.
- 6.66 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.
- 6.67 It is acknowledged that objections have been received from local residents raising concerns in regard to the parking provision on the site and the potential loss of overflow parking for the Church. In regard to the overflow parking for the Church, this is a private matter.
- 6.68 Turning next to parking, the access and the size of the car park would remain the same. The layout of the existing parking area would be upgraded to provide 13 demarcated car parking spaces. These would serve both the proposed flats and the remaining public house.
- 6.69 Kent County Council's Parking Standards (January 2025) states for 1 and 2 bed flats in rural areas - 1 spaces per unit is required and 0.2 spaces per unit for visitor parking. This would equate to 5 parking spaces for the residential element. In regard to the commercial element, 1 space is required per staff and 1 space per 10m², this equates to 8 parking spaces for the commercial element, resulting in a combined provision of 13 spaces. Electric vehicle charging would be secured via building regulations.
- 6.70 This level of provision is therefore considered to be satisfactory and respective of the quantum of development proposed in this rural location. A condition would be imposed for the parking provision to be provided prior to the occupation of the dwellings.
- 6.71 The location of the cycle and refuse storage is acceptable in principle, a condition would be imposed for the finer details to be submitted to and approved by the LPA.
- 6.72 In terms of impact on highway safety and the impact on vehicular movement onto the wider network, it is not considered that the proposal would result in any severe adverse highway impacts.
- 6.73 Accordingly, the development is not anticipated to cause an unacceptable impact upon highways safety and parking provision subject to conditions, as such the proposal would adhering to Policy SQ8 of the MDE DPD, the KCC Parking Standards (2025) Policy SQ8 of the MDE DPD and paragraphs 115 and 116 of the NPPF.

Character and Appearance

- 6.74 In terms of policy context, Policy CP24 of the TMBCS requires development to be of a high quality and be well designed to respect the site and its surroundings in terms of its scale, layout, siting, character and appearance. Policy SQ1 of the MDEDPD advises that new development should protect, conserve and, where possible, enhance the character and local distinctiveness of the area including its setting in relation to the pattern of the settlement, roads and surrounding landscape.
- 6.75 These policies are broadly in conformity with those contained within the Framework which relate to quality of new developments, in particular paragraph 135 of the NPPF that requires proposals to be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Schemes should also be sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 6.76 The part conversion of the public house takes place without any changes to the external elevations of the front façade. Changes to the building are limited as such there would be no unacceptable impact on the character and appearance of the area.
- 6.77 As stated previously the only changes to the appearance of the front of the building relates to the forecourt area, where it is noted that the residential half of the building would be enclosed by a native hedge. This change is welcomed as it would be in line the Stansted Conservation Area appraisal.
- 6.78 On this basis, it is considered the proposed development, subject to conditions is in accordance with CP24 of the Core Strategy, SQ1 of the MDE DPD and the relevant paragraphs of the NPPF.

Neighbour Amenity

- 6.79 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.
- 6.80 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”.*
- 6.81 The nearest residential dwellings are those opposite the public house, (Church Cottage, and Bretch) and Wheelwrights Cottage to the south adjacent to the car park. Due to the nature of the proposal, with no significant external changes to the public house or to the car park, there would be no unacceptable impact on those dwellings.

6.82 Due to the proximity of other residential properties an informative has been suggested by the Council's Environmental Health Protection Officer in relation to hours of working during the construction phase and in regard to bonfires on the site.

6.83 Therefore, to conclude on residential amenity, the proposal would not harm neighbour amenity and as such accords with Policy CP24 of the Tonbridge and Malling Borough Core Strategy and the aims of the NPPF.

Noise

6.84 Paragraph 198 of the NPPF states that:

“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account 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 impacts resulting from noise from new development – and avoid giving rise to significant adverse impacts on health and the quality of life”.

6.85 Paragraph 200 (NPPF) states, “Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs) Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant should be required to provide suitable mitigation before the development has been completed”.

6.86 Policy SQ6 MDE DPD requires proposals for noise sensitive development, including housing, to demonstrate that noise levels are appropriate for the proposed use.

6.87 Comments in relation to the mixed use and specifically noise have been noted.

6.88 The layout for the two ground floor apartments has been specifically designed with the public house use in mind. Sleeping and living areas are located to the northern side away from the public house use. The access staircase to the flats above, abuts the bar area for flat 1 and the kitchen and shower area abuts the internal connecting wall for flat 2. Therefore any internal noise generated from the bar/seating area of the public house would have a limited impact on the residential element.

6.89 The application is accompanied by an Acoustic Assessment (Acoustic Consultants Ref 132526). The Council's Environmental Health Protection Officer has reviewed the submitted documents and raises no objection in relation to noise. It is noted that the

Assessment includes internal recommendations, and a condition would be imposed for the development to be carried out in accordance with those recommendations. In addition, the internal works would also be subject to building regulations and mitigation measures for noise would be required under these regulations as well.

6.90 Therefore, to conclude on Noise, the Noise Assessment coupled with the layout demonstrated that it will be entirely possible to ensure a suitable noise climate internally and externally for future residents of the proposed development and would be in accordance with Policy SQ6 and Paragraphs 198 and 200 of the NPPF.

Standard of accommodation

6.91 The National Design Guide (2021) sets out that high quality design includes the provision of satisfactory living conditions for future occupiers. All the proposed units would meet the national floorspace standards and provide sufficient and usable external amenity area.

6.92 It is important to note that the Council has not formally adopted these space standards but nonetheless, the measurements of the bedrooms and the development overall would comply with the Nationally Described Space Standards.

Ecology and Biodiversity.

6.93 There would be no change to the existing boundary treatment as a result of the development. The proposal includes the provision of native hedging to the front forecourt the finer details can be dealt with via a landscaping condition should permission be granted

6.94 Under the Environment Act 2021, it is now a national requirement that small scale developments must provide at least a 10% biodiversity net gain. This needs to be demonstrated via a biodiversity metric confirming the existing condition of the land and what enhancements will be provided to ensure there is an overall improvement of at least 10% across the site. However, there are exemptions to BNG this includes (but not limited to) :

- De Minimis Exemption

6.95 This being that the development does not impact on priority habitats and has a minimal impact on other habitats (less than 25 square meters of onsite habitat or 5 meters of linear habitat) are exempt. In this case the works proposed are internal, the proposed car park will be no larger than the existing car park and there would be no change involved to create the amenity area for the flats. As such there would be no impact on priority habitats.

Public Sector Equality Duty – Equality Act 2010

6.96 Section 149 of the Equality Act 2010 introduced the Public Sector Equality Duty (PSED), which came into force in April 2011.

- 6.97 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.
- 6.98 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 legalisation and the Council's obligations under the PSED.
- 6.99 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.
- 6.100 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.
- 6.101 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.

Planning Balance and conclusion

- 6.102 It has already been acknowledged that the Council cannot currently demonstrate a five-year housing land supply. In these circumstances the presumption in favour of sustainable development as set out at paragraph 11 of the NPPF (2024) must be considered when assessing a development for house(s).
- 6.103 Consequently, permission should be granted unless as in this case the application of policies in the Framework that protect areas or assets of particular importance provides a 'strong' reason for refusing the development proposed
- 6.104 It has been established that there are no adverse impacts that provide a 'strong' reason for refusing the development. Accordingly, the 'tilted balance' of Paragraph 11d(i) would not be displaced on Green Belt or Heritage grounds.
- 6.105 The application has therefore been 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

6.106 Having regard to the above, in applying paragraph 11(d)(ii) of the NPPF, it is considered that no unacceptable impact arising from the proposal has been identified that would significantly and demonstrably outweigh the potential benefits of the scheme. Therefore, the presumption in favour of development must apply in this case and consequently, the application is recommended for approval.

7. Recommendation: Approve subject to the following conditions.

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

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

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

- Location Plan – Drawing No. D-11
- Existing layout - Drawing No. D-12
- Proposed Block Plan – Drawing No. D-13 Rev A
- Existing Floor Plans and Elevations – Drawing No. D-14
- Proposed Floor Plans and Elevations - Drawing No. D-15 Rev C

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. The residential dwellings hereby approved shall not be occupied until the parking spaces shown on Proposed Block Plan – Drawing No. D-13 Rev A have been constructed. Thereafter shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to these reserved parking spaces.

Reason: To ensure that parking is provided and maintained in accordance with the Council's adopted standards

4. Prior to the occupation of the dwellings, details of secure cycle and refuse storage facilities shall be submitted to and approved in writing by the Local planning authority. The dwellings shall not be occupied until the secure cycle and refuse

storage has been provided in accordance with the approved details and thereafter be retained in perpetuity.

Reason: To facilitate the collection of refuse and to ensure that cycle storage is provided and maintained in accordance with the Council's adopted standards

5. Prior to the occupation of the first dwelling hereby approved a scheme of hard and soft landscaping and boundary treatment shall be submitted to and approved by the Local Planning Authority. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within five years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: In the interest of visual amenity.

6. Prior to the occupation of the flats the acoustic mitigation measures set out in the Acoustic Assessment (Acoustic Consultants Ref 132526 have been implemented. These measure shall be maintained and retained at all times thereafter.

Reason: To safeguard the aural amenity of the occupiers of the dwelling(s) hereby approved.

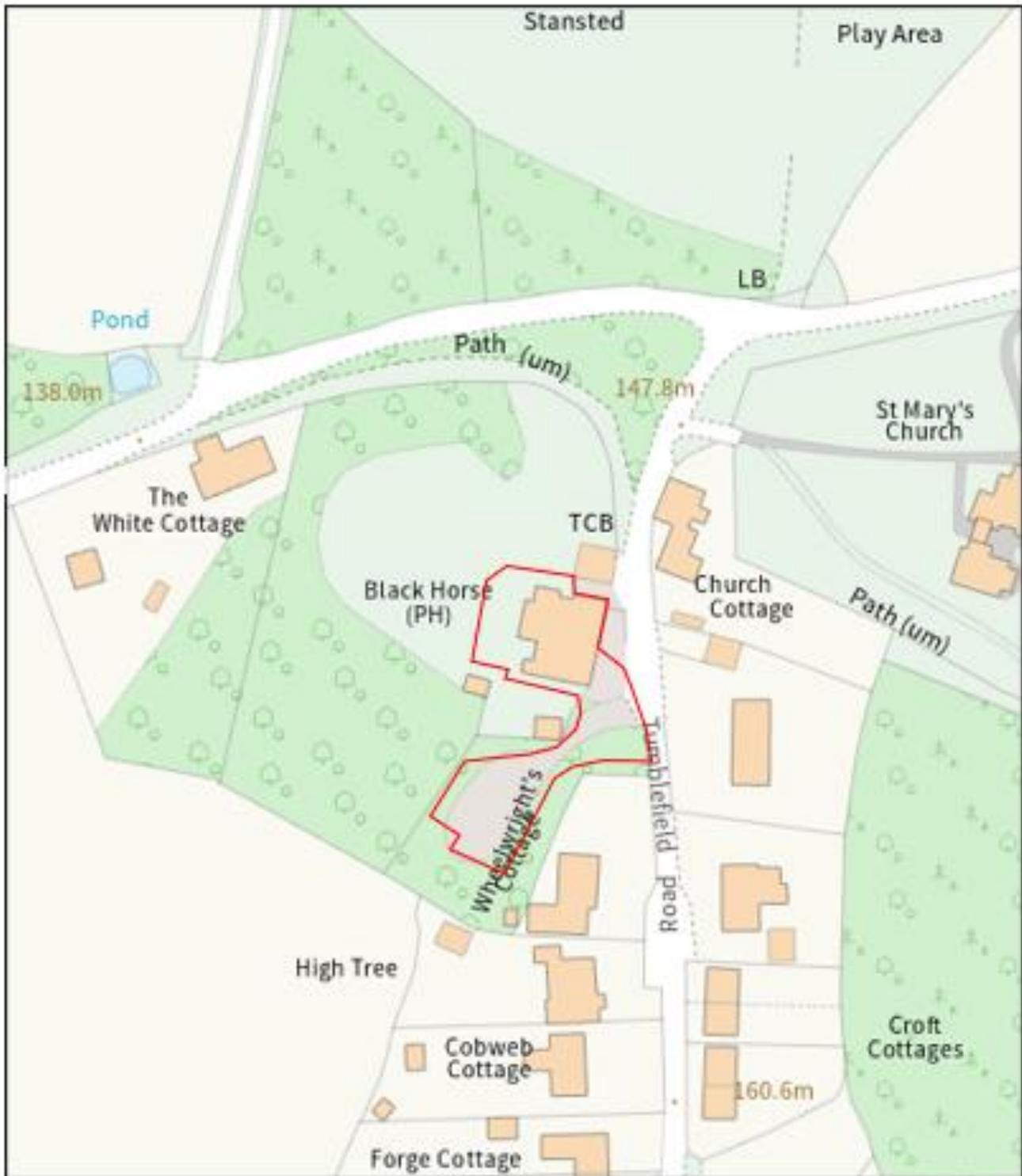
Informatives

1. 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.
2. 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 therefore recommended that no bonfires are lit on the site.
3. This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
4. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly

established in order to avoid any enforcement action being taken by the Highway Authority

5. The Borough Council will need to create new street name(s) for this development together with a new street numbering scheme. To discuss the arrangements for the allocation of new street names and numbers you are asked to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to email to addresses@tmbc.gov.uk. To avoid difficulties, for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation

Contact: Susan Field



Planning Application TM/25/01596

Not to scale



Tonbridge & Malling Borough Council
 Gibson Building, Gibson Dr
 Kings Hill, West Malling
 ME19 4LZ
 Tel: +44 1732 844522



Date: 23/1/2026 10:57

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Hadlow (Hadlow)
Bourne

18 FEBRUARY 2026

TM/25/01771/PA

Location: Alans Hectare, Cemetery Lane, Hadlow Tonbridge TN11 0LT

Proposal: Change of use of land to a travellers caravan site consisting of 6 additional residential caravan plots to rear of existing site.

Go to: [Recommendation](#)

1. Description of Proposal:

- 1.1 This application seeks to change the use of the land to provide six additional gypsy traveller pitches.
- 1.2 Each pitch would comprise a static mobile home, day room, touring caravan together with associated hardstanding, landscaping and two parking spaces.
- 1.3 The access would be via the existing access from Cemetery Lane.

2. Reason for reporting to Committee:

- 2.1 The application is presented to committee at the request of Councillor Lark stating that this site has been the subject of expansion in the past and is the subject of many appeals. However, under application ref: 21/01718 the Inspector clearly conditions that there should be no more development on site and it should remain as open pastureland. The entrance to the site on Cemetery Lane is near to the junction with the A26 and the increased traffic will potentially cause problems. The impact on the Green Belt is also not to be overlooked particularly as the Hadlow Cemetery is not far away and the outlook would be spoiled by the erection of further caravans and buildings.

3. The Site:

- 3.1 The site comprises a parcel of land (0.5 hectares) on the southern side of Cemetery Lane, located outside of the Rural Service Centre of Hadlow within the Metropolitan Green Belt. The site is currently divided into two areas of pasture land used in connection with the two permeant gypsy traveller pitches shown in blue on site location plan drawing no.TDA.2973.01.
- 3.2 Access to the site is via an existing access which currently serves the existing two pitches and the adjacent site (also a travellers site) known as Springfield Place.
- 3.3 Public Footpath MT125 runs along the southern boundary connecting the southern eastern side of Cemetery Road with Maidstone Road to the west.

3.4 The site lies within flood zone 1, and also within an archaeological Notification Area.

4. Planning History (relevant):

4.1 Temporary planning permission (14/02816/FL) was granted on appeal in June 2016 (APP/H2265/W/15/3033682) for the change of use of the site to a private gypsy and traveller caravan site consisting of 2no. Condition 2 stated “*The use hereby permitted shall be for a limited period being the period of five years from the date of this decision, or the period during which the premises are occupied by them, whichever is the shorter*”.

4.2 In 2021 also at appeal, planning permission was granted to vary condition 2 and allow the 2 pitches to become permanent subject to conditions.

4.3 The conditions imposed on that appeal have been subsequently discharged (see below).

23/03538 - Approved - 11 June 2025

Details of Condition 6 (Drainage, refuse storage, external lighting, landscaping and access) submitted pursuant to planning permission TM/21/01718/FL (Variation of condition 2 (limited period of time) pursuant to planning permission TM/14/02816/FL (Change of use of land to a private gypsy and traveller caravan site consisting of 2no. pitches))

21/01718/FL - Refuse – Allowed on appeal 20 September 2023

Variation of condition 2 (limited period of time) pursuant to planning permission TM/14/02816/FL (Change of use of land to a private gypsy and traveller caravan site consisting of 2no. pitches)

17/01533/FL - Approved - 29 September 2017

Erection of 2no stables each comprising of 2 stables, 1 haystore and 1 tack room

16/02840/RD - Approved - 02 May 2017

Details of (a) foul and surface water drainage of the site; (b) facilities for the storage and collection of refuse/waste; (c) details of external lighting; (d) timetable for implementing the proposed landscaping and arrangements for replacement of damaged/diseased plants; and (e) details of the proposed access into the site, including materials and sightlines; submitted pursuant to condition 9 of planning permission TM/14/02816/FL (Appeal Ref: AAP/H2265/W/15/3033682)

14/02816/FL - Non-determination Appeal – Allowed 24 June 2016

Change of use of land to a private gypsy and traveller caravan site consisting of 2no. pitches

5. Consultees:

- 5.1 Whilst some comments have been summarised for the purpose of this report, all statutory 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 Hadlow Parish Council: Strongly objects to application and would like to refer you to:

Appeal Ref: APP/H2265/W/23/3316969 and the following conditions:

Condition 3 - No more than two caravans, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on each pitch at any one time, of which no more than one shall be a static caravan, and no further caravans shall be placed at any time anywhere within the application site.”

Condition 7 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any re-enactment thereof, no fences, walls, gates or other means of enclosure shall be erected within any part of the application site other than in accordance with the details shown on the approved drawings.

We request that TMBC Enforcement confirm that the conditions have been met and in particular those relating to fencing

- 5.3 Environmental Health Protection: No comments to make on the application.
- 5.4 Kent Highway Services: The development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.
- 5.5 KCC Ecology: No objection subject to conditions
- 5.6 West Kent PROW: Public Right of Way MT125 runs to the south of the proposed site and should remain unaffected by the application.
- 5.7 Interested Parties: No comments received.

6. Determining Issues:

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 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 (“PPG”) and National Design Guide are important material considerations.

Emerging Local Plan

- 6.4 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, 1097 per year. In addition, the emerging Local Plan (Emerging Policy SP4) also identifies the Council will need to provide an additional provision of 33 pitches for Gypsies and Travellers in accordance with the needs identified in the Gypsy and Traveller and Travelling Show-person Accommodation Assessment 2025 (GTAA).
- 6.5 The GTAA set out that there is an identified need for 33 additional Gypsy and Traveller pitches across Tonbridge and Malling, of this need, 12 pitches should be provided in the first five years of the Plan and 21 over the longer-term period (2030/31 to 2041/42). In regard to the immediate need, four pitches have recently been approved under reference 25/00944 leaving a remaining immediate need of 8 pitches.
- 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 and in this case the GTAA 2025 report is a material consideration in the determination of the application. The GTAA report provides clear evidence that there is a need for permanent Gypsy Traveller pitches within the Borough.
- 6.7 The site has been considered within the Green Belt Stage 1 and Stage 2 evidence base. The site falls within parcel HAD-07 and this is discussed further within the committee report.

Gypsy Traveller Status

- 6.8 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”.

- 6.9 If permission is to be granted then a condition is recommended restricting the use of the site to those only of gypsy traveller status.

Principle of Development

- 6.10 As Members are aware, the Council cannot demonstrate a 5 year supply of Gypsy and Traveller sites against its objectively assessed need. The GTAA 2025 report provides clear evidence that there is a need for 33 permanent Gypsy Traveller pitches within the Borough over the Plan period.
- 6.11 Applying the presumption in favour of sustainable development as set out at paragraph 11 of the NPPF (2024) in the context of decision taking 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.
- 6.12 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.

- 6.13 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.
- 6.14 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. 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.

- 6.15 Paragraph 154 of the NPPF states that development in the Green Belt is inappropriate unless one of the listed exceptions (a to h) applies. In this case, the propose would not fall within any of the exception listed under paragraph 154 NPPF.
- 6.16 TMBC Core Strategy Policy CP20 includes a presumption against the development of gypsy and traveller accommodation in the Green Belt unless there are very special circumstances. However, Policy E of the Planning Policy for Traveller Sites (PPTS) considers Traveller sites in the Green Belt to be inappropriate development unless the exceptions set out in the Framework apply. Policy CP20 is therefore inconsistent with national policy, and paragraph 232 of the Framework requires due weight be given to development plan policies according to their degree of consistency with the Framework and PPTS.
- 6.17 However, as members are aware in December 2024, the updated the NPPF introduced the concept of Grey Belt. Grey Belt is now a material consideration and an assessment to establish if the site would be Grey Belt must be undertaken.

Grey Belt

- 6.18 Paragraph 155 states that the development of homes, (and caravans in this case, as noted above 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.
- 6.19 Planning Practice Guide (PPG) explains that where Grey Belt land is not identified in an existing Local Plan or Green Belt assessments, it is expected that authorities should consider evidence and the illustrative features that are likely to indicate that a site or area 'strongly' contributes to the relevant Green Belt purposes [Paragraph 009 Reference ID: 64-009-2025022].
- 6.20 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”

- 6.21 Therefore, the Grey Belt definition is clear, that a site does not need to be previously developed land to constitute Grey Belt. Any other land in the Green Belt has potential, under the changes to the NPPF, to constitute Grey Belt land providing policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a ‘strong’ reason for refusing or restricting development (Officers emphasis added).
- 6.22 The site is not located in any of the other assets referred to in footnote 7. Therefore, the next test is 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). 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
- 6.23 In relation to purpose a) this relates to the sprawl of large built-up areas. The PPG is very clear that ‘villages’ should not be considered large built-up areas. Hadlow is considered to be a village, as such the proposal would not result in the sprawl of a large built-up area.
- 6.24 Turning next to purpose b) - To prevent neighbouring towns merging into one another, again PPG is clear that this purpose relates to merging of towns and not villages. Therefore, the proposal would not result in neighbouring towns merging into one another.
- 6.25 Lastly purpose d) - To preserve the setting and special character of historic towns. Hadlow is not an historic town and as with purpose a) and b) the PPG states *“This purpose relates to historic towns, not villages. Where there are no historic towns in the Plan area, it may not be necessary to provide detailed assessments against this purpose”*.
- 6.26 Therefore, to conclude on Para 155 criteria a), Officers are of the opinion that the site does not ‘strongly’ contribute to the 3 purposes of the Green Belt as set out above, as such the site would qualify as ‘Grey Belt’ land. This is confirmed by PPG which states *“After consideration of the above criteria, any assessment area that is not judged to strongly contribute to any one of purposes a, b, or d can be identified as grey belt land, subject to the exclusion of land where the application of the policies relating to the areas or assets in footnote 7 to the NPPF (other than Green Belt)*

would provide a strong reason for refusing or restricting development". [Paragraph: 007 Reference ID: 64-007-20250225].

- 6.27 Turning next to Criterion b) – There is a demonstrable unmet need for the type of development proposed. The Council cannot demonstrate a five year supply of deliverable Gypsy and Traveller site as confirmed within TMBC Gypsies, Travellers and Travelling Show-people Position Statement December 2024 and the GTAA report 2025. Therefore, there is a demonstrable unmet need for the type of development proposed. For clarity footnote 56 (NPPF) confirms in the case of traveller sites – means the lack of a five year supply of deliverable traveller sites assessed in line with Planning Policy for Traveller sites.
- 6.28 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”.*
- 6.29 The site is not in open countryside that is away from existing settlements. The site is within easy walking distance to everyday facilities, including schools, shops and public transport.

6.30 Criterion d) is not applicable in this case as the proposal does not comprise ‘major’ development. Major development involves 10 or more dwellings or a site area (for housing) of 0.5 hectares.

6.31 Therefore, 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.

6.32 As stated above the site (which includes the adjacent site) has been considered within the Green Belt Stage 1 and Stage 2 evidence base for the emerging Local Plan (see table below). The evidence base clearly supports the conclusion that the site constitutes Grey Belt (Scale range 0 = weak to 5 = Strong).

Green Belt Purposes	Parcel HAD-07
a) To check unrestricted sprawl of large built up area	0
b) To prevent neighbouring towns merging into one another	0
c) To assist in safeguarding the countryside from encroachment	1
d) To preserve the setting and special character of historic towns	0
e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.	1
Overall NPPF	Weak
Provisional Grey Belt Identification	Yes

6.33 Where a development is not inappropriate in the Green Belt, as in this case, this does not itself remove the land from the Green Belt nor require development proposals to be approved per se. 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].

6.34 It therefore follows that as appropriate development Paragraph 11 d (ii) is engaged 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 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.

Clarification on matters relating to Green Belt and Grey Belt.

6.35 Comments have been made relating to the previous appeal decision and the Planning Inspectorate’s comments within that decision in relation to Green Belt. Whilst these are noted, there has been a fundamental change to national planning

policy since the appeal decision was granted. This change in national policy is a material consideration. Therefore, officers when assessing the application must give greater weight to the updated NPPF over previous appeal decisions in relation to Green Belt.

- 6.36 Furthermore, whilst paragraph 153 (NPPF) states when considering any planning application. LPA's should ensure that substantial weight is given to any harm to the Green Belt, including harm to openness, however footnote 55 (NPPF) is clear that this weight is not afforded in the case of development on previously developed land or Grey Belt Land where development is not inappropriate.
- 6.37 Whilst the designation of Green Belt does not change as a result of the introduction of Grey Belt. The introduction of Grey Belt land is a material consideration and cannot be downplayed or ignore when LPA's are assessing planning applications.
- 6.38 As set in the Grey Belt assessment above, PPG explains that where Grey Belt land is not identified in an existing Local Plan or Green Belt assessments, it is expected that authorities should consider evidence and the illustrative features that are likely to indicate that a site or area 'strongly' contributes to the relevant Green Belt purposes (Paragraph 009 Reference ID: 64-009-2025022).

Countryside

- 6.39 The site lies outside the defined settlement confines of Hadlow 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 not considered to be consistent with the language of the NPPF and therefore diminished weight is afforded to the policy in this case

Gypsies/Travellers

- 6.40 Turing back to an assessment under Paragraph 11 d(ii). Although somewhat dated Policy CP20 of the TMBCS specifically relates 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, stating that first consideration will be given to the limited expansion of one or both of the publicly controlled sites in the Borough.
- 6.41 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;

6.42 The policy concludes that there will be a presumption against the development of gypsy and traveller accommodation (including sites for travelling show-people) in the Green Belt unless there are very special circumstances. As stated above, this element of the policy no longer accords with the NPPF and Planning Policy for Traveller Sites (PPTS) 2024.

6.43 As already acknowledged the Council 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.

6.44 In terms of residential or rural amenity, the proposal relates to land which is currently used in connection with two lawful gypsy traveller pitches and is also adjacent to (western side) a separate lawful Gypsy Traveller site. Whilst it is acknowledged that due to the increase in the number of pitches the use of the site would intensify, it is not considered that this would prejudice the neighbouring properties. The traffic generation would not be such that it would prejudice highway safety. Lighting can be controlled by condition as such the proposal would result in any significant increase in usage which would prejudice local residential and/or rural amenity as such the proposal would accord with criterion b).

6.45 The proposal is of a scale that would not dominate the nearest settled community or place undue pressure on local infrastructure, the proposal meets criterion c) of policy CP20.

6.46 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. The potential increase in traffic movement would not have a severe impact on highway safety. The existing access is some 42 metres from the junction of Cemetery Road and Maidstone Road with good visibility when entering or exiting the site. Consequently, the proposal meets criterion d) of policy CP20, in addition to the other relevant local and national planning policies.

6.47 The site can adequately be accessed by vehicles towing caravans as stated above the existing access has good visibility when entering and exiting the site and is sufficiently wide to accommodate vehicles towing caravans. Whilst there is no cycle access per se to the site, the site is within easy walking distance to shops, schools and other community facilities. It can therefore be concluded that the proposal meets criteria d) and e) of policy CP20.

Character and Appearance

6.48 In terms of policy context, Policy CP24 of the TMBCS requires development to be of a high quality and be well designed to respect the site and its surroundings in terms of its scale, layout, siting, character and appearance. Policy SQ1 of the MDEDPD advises that new development should protect, conserve and, where possible, enhance the character and local distinctiveness of the area including its setting in relation to the pattern of the settlement, roads and surrounding landscape.

6.49 These policies are broadly in conformity with those contained within the Framework which relate to quality of new developments, in particular paragraph 135 of the NPPF that requires proposals to be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Schemes should also be sympathetic to local character and history, including the surrounding built environment and landscape setting.

6.50 The caravans and dayrooms together with the pitch layouts are considered appropriate for their intended use. These would be viewed in the wider area within the context of the existing caravans and the adjacent gypsy traveller site to the west.

6.51 The application is accompanied by a detailed landscape drawing which demonstrates that each pitch would be enclosed by a 1.2 metre high post and rail timber fence with matching gates together with native hedge planting to the front of the fencing to the front and outer sides. The proposal also includes further planting areas all of which could be controlled by condition.

6.52 Concluding on character and appearance, it is considered that the proposal would result in an appropriately design scheme, that promotes sustainability and would fit in with the overall form and layout of its surroundings, 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.

Neighbour Amenity

6.53 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.

6.54 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”.

6.55 The nearest neighbours are those on the site itself (shown in blue) as well the existing gypsy traveller site to the western boundary as such it is considered that the proposal would not harm neighbour amenity and therefore accords with Policy CP24 of the Tonbridge and Malling Borough Core Strategy and the aims of the NPPF.

Access and Parking

6.56 Paragraph 115 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 116 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.

6.57 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.

6.58 As stated previously the existing access is to remain and there is sufficient space to accommodate off street parking for each pitch and for vehicles/touring caravans to turn within the site and exit in a forward gear.

6.59 KCC Highways were consulted on the proposal, however, the KCC response confirmed that the development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

6.60 Moreover, the site is also not of a size to warrant or justify the need for a transport statement. Paragraph 116 (NPPF) is clear 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.

6.61 It is therefore considered that the access and parking proposals comply with Core Strategy Policies CP2, Managing Development and the Environment DPD Policy SQ8 and the NPPF.

Ecology and Biodiversity.

6.62 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.

- 6.63 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.
- 6.64 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.
- 6.65 The application is accompanied by a Preliminary Ecological Appraisal (KB Ecology 26/9/25) BNG Metric, and Landscape Design Statement (TDA, Apr 25). These documents have been reviewed by KCC Ecology who confirm that sufficient ecological and biodiversity net gain information would be provided.
- 6.66 Turing first to ecology, the preliminary ecological appraisal (PEA) has considered protected species such as bats, badgers, breeding birds, dormouse, reptiles and amphibians. As the site is hardstanding and tightly grazed horse paddocks, with hedges and trees to the boundaries that will be retained, the survey has determined that no further surveys are required and that precautionary measures during clearance and construction will be sufficient. KCC Ecology agree with this conclusion and suggest a precautionary mitigation conditions.
- 6.67 Under the Environment Act 2021, it is now a national requirement that small scale developments must provide at least a 10% biodiversity net gain. This needs to be demonstrated via a biodiversity metric confirming the existing condition of the land and what enhancements will be provided to ensure there is an overall improvement of at least 10% across the site.
- 6.68 KCC Ecology has raised some concerns in regard to the BNG information submitted, noting *“the baseline habitats are correct but highlight that for strategic significance the species rich native hedgerow has strategic significance of ‘location ecologically desirable but not in local strategy’ as the LNRS has now been published the baseline should be listed as ‘area/compensation not in local strategy /no local strategy’.* This reduces the hedgerow baseline from 0.24 habitat units (HU) to 0.22 HU and changes the net gain from 54.23% to 59.65%, increasing the net gain for hedgerows”.

- 6.69 In addition, it is also noted the post development plans include areas of mixed scrub, tree, hedgerow planting and enhanced grassland. Modified grassland is also detailed which KCC Ecology consider is appropriate for areas that will be subject to recreational pressures, but this is detailed in the comments as 'gardens plus areas of hedgerow'. If habitats are within gardens KCC Ecology consider the urban 'vegetated garden' habitat should be used, however it is highlight that this change makes no difference to values or net gain achieved, as they are of the same value in this situation.
- 6.70 KCC Ecology consider that the minor amendments above can be provided in the finalised metric when the biodiversity gain plan is provided, if permission is approved. KCC Ecology are satisfied, due to the onsite significance and habitats proposed that this does not need local authority monitoring oversight. However, there is a need to ensure that the habitat is managed appropriately and therefore KCC Ecology has suggested several conditions to ensure the habitat is managed for the long term, as the submission of a management plan is not a requirement of the deemed condition.
- 6.71 Subject to the aforementioned conditions I am satisfied that the development would have a net positive effect on habitats and biodiversity in accordance with all relevant national and local planning policy in relation to ecology including Policies NE1-NE4 of the TMBC Core Strategy and the NPPF

Public Sector Equality Duty – Equality Act 2010

- 6.72 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.

- 6.73 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.
- 6.74 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.

- 6.75 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.
- 6.76 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.
- 6.77 Given the nature of the proposal, Officers have also had due regard to the need under the Public Sector Equalities Duty to (a) eliminate discrimination, harassment, victimisation and any other prohibited conduct (b) advance equality of opportunity between persons who share a relevant protected characteristic and do not share it and (c) foster good relations between persons who share a relevant protected characteristic.
- 6.78 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

- 6.79 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.
- 6.80 It therefore follows that as appropriate development Paragraph 11 d (ii) is engaged 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 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.
- 6.81 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.
- 6.82 Therefore, the presumption in favour of development must apply in this case and consequently, the application is recommended for approval subject to conditions.

7. Recommendation: Approve subject to the following:

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: In pursuance of Section 91 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 – Drawing no. TDA.2973.01

Existing Site Plan - Drawing no. TDA.2973.02

Proposed Site Plan and Outline Landscape Scheme - Drawing no. TDA.2973-03

Proposed Day Room (Plan & Elevation) - Drawing no. TDA.2973.01

Landscape Design Statement by TDA – Document ref: TDA/2973/RhC/04.25 (Rev A) dated April 2025 (Updated September 2025).

Habitat Baseline plan received 27 October 2025

BNG Metric received 27 October 2025

Preliminary Ecological Appraisal by KB Ecology - Document ref: 2025/04/27 dated 26 September 2025

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

- 3) No more than six mobile homes/ static caravans and six touring caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site (shown on the red outline) at any time. The touring caravans on site which are not static caravans or mobile homes shall not be separately occupied.

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

- 4) The caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended shall be sited in accordance with the Proposed Site Plan and Outline Landscape Scheme - Drawing no. TDA.2973-03

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

- 5) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons as defined in Planning Policy for Traveller Sites, 2024 (or any subsequent definition that supersedes that document).

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

- 6) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site and 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.

- 7) Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no gates, walls or fences or other means of enclosure including bunding, shall be erected on the site.

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

- 8) No additional external lighting shall be installed on the site until details have been submitted to and approved in writing by the Local Planning Authority.

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

- 9) Within 3 months from the date of decision a scheme of landscaping and boundary treatment shall be submitted to and approved by the Local Planning Authority. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following the date of this decision and thereafter maintained in accordance with the approved details. Any trees or shrubs removed, dying, being seriously damaged or diseased within five years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species. Any boundary fences or walls or similar structures as may be approved shall be erected within 3 months of the approval of the details submitted to the Local Planning Authority.

Reason: In the interests of visual amenity.

- 10) From commencement of works (including site and vegetation clearance), to avoid impacts to protected and priority species, the following precautionary mitigation should be implemented:

1. Any hedgerow and trees to be retained, including its roots, will be protected from damage;

2. Protected species precautionary mitigation shall be implemented as detailed in Section 4, Preliminary Ecological Appraisal, KB Ecology, September 25, for the duration of construction.

Reason: In the interest of protected species.

11) The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan, and based on the most up-to-date and/or relevant ecology surveys as determined by a suitably qualified ecologist, has been submitted to, and approved in writing by, the local planning authority. The Plan shall include:

a) a non-technical summary;

b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;

c) the planned habitat retention, creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;

d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and

e) the monitoring methodology and frequency in respect of the retained, created or enhanced habitat

The retained, created and/or enhanced habitat specified in the approved HMMP shall be implemented, managed, maintained and monitored in accordance with the approved HMMP.

Reason: To ensure the development delivers the required biodiversity net gain on site in accordance with local policy CP25 and Schedule 7A of the Town and Country Planning Act 1990.

12) The Biodiversity Gain Plan shall be prepared in accordance with the baseline information within the Biodiversity Net Gain Metric (with amendments as per KCC Comments Jan 26), dated 26th September 25, V3, for Alans Hectare, Cemetery Lane, Hadlow, Tonbridge, Kent, dated 10Th November 2025 and prepared by KB Ecology.

Reason: To ensure the proposals are in accordance with details submitted.

13) Prior to any works above slab level, a Biodiversity Enhancement Plan (BEP) shall be submitted to and approved in writing by the local planning authority. The Plan shall include full details of the biodiversity enhancements to be implemented on-site. The Plan shall be based on the details contained in the Landscape Design Statement, TDA, Apr 25 and shall include:

- A detailed, scaled soft landscaping plan, planting schedule (NB unless required as part of another condition)
- Provision of suitably placed bat and/or bird boxes, with the exact locations, make and model and height from ground level shown on scaled plans suitable for construction.
- The provision of log piles/artificial refugia for reptiles and amphibians.

The Plan shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure the proposals are in accordance with details submitted

Informatives:

1. Under paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 (as amended) every planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- (i) a) Biodiversity Gain Plan has been submitted to the planning authority, and
b) the planning authority has approved the plan.

(ii) This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.

(iii) For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the Government Website: Submit a biodiversity gain plan (www.gov.uk).

If the onsite habitat includes irreplaceable habitat, the Biodiversity Gain Plan must include:

- Information about steps taken or to be taken to minimise any adverse effect of the development on the habitat.
- Information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat are minimized and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits

2. 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.
3. This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners

Contact: Susan Field

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Planning Application TM/ 25/01771

Not to scale



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Date: 23/1/2026 10:57

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**East & West Peckham
Mereworth and Wbury**

18 February 2026

TM/25/01509/PA

Location: Allens Oast, 4B Old Road, East Peckham, Tonbridge TN12 5ER

Proposal: Erection of a summerhouse (Retrospective)

Go to: [Recommendation](#)

1. Description of Proposal:

- 1.1 Determination of this application was deferred on 14 January 2026 to allow for the Director of Central Services and Monitoring Officer to provide the committee with a report setting out the risks involved should the recommendation of officers to grant planning permission subject to conditions not being accepted, and planning permission refused.
- 1.2 This is in line with the Council's Constitution which sets out as follows:
- 1.3 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, a resolution by the committee to make such a determination will be a recommendation only and 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.
- 1.4 If the Director of Central Services and Monitoring Officer's report indicates that there is likely to be a risk of significant 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 January 2026 committee report can be found at Annex 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 as a whole with both of those documents.

2. Recommendation:

2.1 Approve, subject to the following:

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

Site location plan P.3633.010.A.

Proposed block plan P.3633.030.A.

Proposed floor plan P.3633.060.A.

Proposed elevations P.3633.070.A.

Proposed landscaping and screening report, received on 26/11/25.

Planning statement.

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.

2. All materials used externally shall accord with the plans and application details hereby approved.

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

3. All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development.

4. The summerhouse hereby permitted shall be occupied and used for purposes incidental to the enjoyment of the main dwelling house and for no other purposes whatsoever.

Reason: To safeguard the character and amenities of the locality.

Contact: Suzanne Leach

East Peckham
East & West Peckham
Mereworth And Wbury

14 JANUARY 2026

TM/25/01509/PA

Location: ALLENS OAST 4B OLD ROAD EAST PECKHAM TONBRIDGE TN12
5ER

Proposal: Erection of a summerhouse (Retrospective)

Go to: [Recommendation](#)

1. Description of Proposal:

1.1 The proposal seeks retrospective permission for the erection of a summerhouse outbuilding. The proposal is similar to an approved summerhouse outbuilding (under ref: 24/00446/PA), however this proposal has a small projection to the rear. The main summerhouse outbuilding is 6m wide and 4.2m deep. The rear projection measures 2.5m by 1.5m and contains a toilet, sink and shower. The overall footprint is 28.95m² and it is located within the rear garden of the dwelling.

2. Reason for reporting to Committee:

2.1 The application has been called in to the Area 2 Planning Committee by Councillor Boughton to allow for the consideration of the impact of the proposal on the adjacent Grade II listed building and wider heritage impacts, and its impact on flood risk.

3. The Site:

3.1 The summerhouse is within the residential curtilage of Allens Oast, a detached dwelling that was converted under application ref: 84/11098/FUL an amendment to the previously approved application ref: 82/10931/FUL. Further garden land was added from No.20 Old Road in 2021. The summerhouse is approximately 28.5m from the main dwellinghouse.

3.2 A summerhouse could ordinarily be considered as permitted development, but this is not the case on this site, as Condition (vi) on the original planning permission (ref: 84/11098) states that '*Notwithstanding the provisions of the General Development Orders 1977-1981, no further alterations or extensions to either oasthouse, nor other development within their curtilages shall be undertaken without the prior consent in writing of the District Planning Authority. Reason: In the interests of visual and residential amenity*'.

3.3 The site is in Flood Zone 2 and the Green Belt.

3.4 There is a Grade II listed building (4 Old Road) to the north west, but this is over 80m away from the summerhouse and concealed from it by the existing dwelling of Allens Oast. Strettitt Place is a Grade II listed building approximately 20m to the east of the summerhouse. Its official listing is: *House. Early C19 elevation to older building. Painted brick with plinth and band. Wide flat projecting eaves with boarded soffit and coupled brackets to plain tiled, hipped roof. 2 dormers. 2 storeys, 5 windows, glazing bar sashes. Central half-glazed and panelled door with projecting Ionic columned porch. House L-shaped in plan, C18 to rear. 2-storey early C19 bow to west and canopied veranda.*

4. Planning History (relevant):

24/00446/PA

Approved - 07 June 2024
Erection of a summerhouse

89/11640/FUL

Grant With Conditions - 25 May 1989
Garage

84/11098/FUL

Grant With Conditions - 24 February 1984
(a) alterations to development previously approved under ref. TM/82/258 to provide ground floor lounge in place of integral garage and to provide two additional bedrooms on first floor, (b) erection of a detached, pitched roof double garage

82/10931/FUL

Grant With Conditions - 20 July 1982
Conversion of two former oast houses into dwellings

5. Consultees:

5.1 **East Peckham Parish Council:** The Council opposes and has concerns around how it encroaches on the privacy of neighbours. TMBC need to take this to area planning.

5.2 **Conservation officer:** Raised no objection stating that "*The permitted Summerhouse and the unauthorized addition feature in glimpsed, south-westerly views from the listed building. The addition is largely screened by intervening shrubbery and although of unsympathetic form, the diminutive new structure is of matching materials, and it remains below the eaves level of the Summerhouse. The modest presence of the addition causes no harm to the significance the adjacent designated heritage asset through very minor change within the setting*"

5.3 **Private rep:** Objection because the proposal would adversely impact the setting of a listed building.

5.4 **Private rep:** Objection due to its external appearance (exterior colour, roof tiles, flat roof section). Concerns about the negative impact on the setting of a listed building.

Does not want the summerhouse to become habitable accommodation. Various non-material planning considerations have been raised such as the location of drainpipes, foul drainage and fascia boards.

- 5.5 **Private rep:** Objection due to its size and design. Concerns about it becoming self-contained accommodation in the Green Belt, as well as its impact on the listed building

6. **Determining Issues:**

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.

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.

Principle of development

- 6.5 Policy CP3 in the local core strategy states that the National Green Belt policy will apply to development in this context. This is now section 13 of the NPPF. Paragraph 142 emphasises the importance attached to Green Belt land and states that the essential characteristics of Green Belts are their openness and their permanence. Paragraph 154 outlines exceptions to the restrictions imposed by the Green Belt on development. 154(c) allows the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building.

- 6.6 It is also noted that there is case law, which has established, that an outbuilding can be considered as an addition to a property (an adjunct) having regard to its function, the size of the structure and relationship with the host dwelling.
- 6.7 In this instance it is noted that Allens Oast was created as a residential property following conversion in the 1980s. Since then, it appears that permission has been granted for a garage.
- 6.8 Below is a table with comparative footprint calculations for the additions to the original dwelling:

	Footprint (m ²)	Cumulative footprint in m ²	Percentage increase incl. extant garage	Percentage increase excl. extant garage
House approved under 84/11098/FUL	150	150	N/A	N/A
Garage approved under 84/11098/FUL (extant permission)	35	185	N/A	N/A
Porch approved under 84/11098/FUL	3.2	188.2	2%	2%
Garage approved under 89/11640/FUL	40	228.2	23%	29%
Summerhouse approved under 24/00446/PA	25.2	253.4	37%	46%
Proposed summerhouse including rear projection 25/01509/PA	28.95	257.2	39%	48%

- 6.9 The summer house now proposed is considered to be of relatively modest proportions, having regard to the size of the curtilage. The structure would be sited on land that has been in garden use, albeit with a different property until more recent times, and is now considered to have a functional relationship with Allens Oast.
- 6.10 The physical and functional relationship with the main house, means that the proposal could be considered a modest sized extension to the original building in the Green Belt. The size and design are considered to be appropriate for this location and do not cause any harm to the visual amenities of the locality.
- 6.11 In this instance the proposed extension to the outbuilding, described as a summer house, would appear to be for private domestic purposes normally associated with a residential property and would not (together with previous permissions) constitute a disproportionate addition over and above the size of the original building. Hence it would benefit from the exception in Paragraph 154(c) of the NPPF and therefore would not be inappropriate development within the Green Belt.
- 6.12 Furthermore, it should be noted that there is extant permission from 84/11098/FUL for a detached, pitched roof, double garage which was not constructed as part of the conversion of the building to a dwelling. This extant permission is a material consideration for this current application.
- 6.13 Allens Oast and its curtilage lie just outside of the rural service centre of East Peckham. Therefore, it is considered as development in the countryside. This means that policy CP14 in the core strategy will also apply, but this allows an appropriate extension of an existing dwelling. The proposed outbuilding is an appropriate extension to the dwelling and would comply with policy CP14.
- 6.14 In conclusion, the outbuilding is a proportionate extension of the original dwelling, and therefore not inappropriate development within the Green Belt and therefore the principle of development is acceptable and would comply with Policy CP3 and the NPPF.

Residential amenity

- 6.15 Policies CP24, P4/12 and PA4/12 explain the importance placed upon development to respect its site and surroundings. P4/12 specifically states that consideration should be given to the potential impacts that a development may have on neighbouring properties.
- 6.16 The previous approval for the summerhouse stated that *'The comments of the neighbour are noted and have been given careful consideration. The summer house would be positioned between 2 and 5 metres from the eastern side boundary and 20m from the nearest part of Strettitt Place. As a result, whilst it may be partly visible from Strettitt Place, it should not unduly affect outlook from the neighbouring property. It is concluded that the proposal would not have an unacceptable impact*

on the amenities of occupants of neighbouring properties having regard to the policy context outlined above.'

6.17 This assessment has not changed, as the additional 3.75m² rear projection does not have any windows, and is no taller than the eaves of the approved summerhouse. The separation distances to Strettitt Place and other neighbours remain similar to the previously approved outbuilding. Therefore, it will not create any additional adverse impacts on the outlook, privacy or overshadowing for the adjacent neighbours and would not harm their amenity. As such the proposal would comply with policies CP24, P4/12 and PA4/12.

Design, materials, street scene and character of the area

6.18 Policies CP24, SQ1 and P4/12 request well-designed, high-quality development. The appearance of the proposal should be designed to respect the site and its surroundings.

6.19 The original approval noted that: *'The outbuilding is to be constructed of a timber frame with shiplap cladding and Kentish peg tiles or similar to the roof. The size and design are appropriate for a domestic building at the edge of the settlement. The materials identified are considered appropriate for this location without need for painting of the elevations.'*

6.20 The cladding has not been painted but is black in colour. This is appropriate for the rural context.

6.21 The materials will match those previously approved, and creates a unified appearance between the rear projection and the main summerhouse. The overall scale of the summerhouse has not changed significantly and is considered appropriate. The summerhouse is not visible from the road, so does not affect the street scene. Modern alterations have already been made to houses nearby, such as detached garages and extensions, so it will not affect the character of the area.

6.22 There are concerns about the visibility of the small extension from Strettitt Place. A landscaping and screening plan has been submitted with a strategy to screen the majority of the summerhouse and its extension from view using vegetation. This has been included as a condition to ensure it is implemented. However, it should be noted that the proposal does not affect the outlook from Strettitt Place and a view is not a material consideration in the determination of this planning application.

6.23 The materials will match the existing ones, so this creates a unified appearance between the rear projection and the main summerhouse. It will not be visible from the road, so will not affect the street scene nor would it harm the character of the area. The outbuilding would therefore comply with policies CP24, SQ1 and P4/12.

Setting of a listed building

- 6.24 Chapter 16 of the NPPF relates to the preservation and enhancement of the historic environment.
- 6.25 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for a development which affects a listed building or its setting, the local planning authority should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.26 The Conservation Officer's comments summarised in paragraph 5.2 conclude by saying that the summerhouse extension causes no harm to the significance of the adjacent designated heritage asset through very minor change within the setting, and there is no objection in terms of TMBC Historic Environment Conservation Policy.
- 6.27 A similar outbuilding has been previously approved under ref: 24/00446/PA which is a material consideration for this application. The only difference between this application and the previously approved one is the small 3.75m² rear projection. Given the modest scale and the design of the addition it is considered that the proposal would not result in harm to the significance of the adjacent listed building nor would the impact be sufficiently different from that previously approved. As such the proposal is not considered to result in harm to the setting of the neighbouring listed building and would be in accordance with the NPPF and S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Flood Risk

- 6.28 The site lies within flood zone 2. Paragraph 181 of Chapter 14 in the NPPF and Policy CP10 in the TMBC Core Strategy focus on development within areas at risk of flooding. It only allows development which is appropriately flood resistant and resilient. A similar outbuilding had previously been approved (ref:24/00446/PA) and this application seeks for approval for a small addition to the approved summerhouse. The outbuilding would not be used for habitable accommodation, so does not require mitigation strategies in respect to resilience measures. Furthermore, the small addition over and above what was previously approved is not of a sufficient scale or massing to result in a significant displacement of flood waters to result in a worsening of flooding to neighbouring sites. As such the outbuilding would comply with policy CP10 and paragraph 181 of the NPPF.

Issues raised by reps

- 6.29 Drainpipe is in a different location. – Not a material planning consideration.
- 6.30 Uncertainty about foul drainage from the new shower block. – Not a material planning consideration and would be covered by building regulations.
- 6.31 No fascia board. – The outbuilding is considered to be of an acceptable design.

6.32 It might become habitable accommodation. – A condition can be added to ensure it remains ancillary to the main dwelling. Should the outbuilding be occupied as a separate self-contained dwelling it would require planning permission.

6.33 Roof tiles have a different appearance. – The proposal is considered to be acceptable in respect to its design and appearance, and its impact on the character of the site and surrounding area, and the setting of the neighbouring listed building.

6.34 Encroaches on the privacy of the neighbours. - There are no windows overlooking the neighbouring property and the building is only a single storey, as well as it being sufficiently far away from neighbouring dwellings to prevent adverse overlooking.

7. Recommendation:

7.1 **Approved** subject to the following:

Conditions:

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

Site location plan P.3633.010.A.

Proposed block plan P.3633.030.A.

Proposed floor plan P.3633.060.A.

Proposed elevations P.3633.070.A.

Proposed landscaping and screening report, received on 26/11/25.

Planning statement.

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.

2. All materials used externally shall accord with the plans and application details hereby approved.

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

3. All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

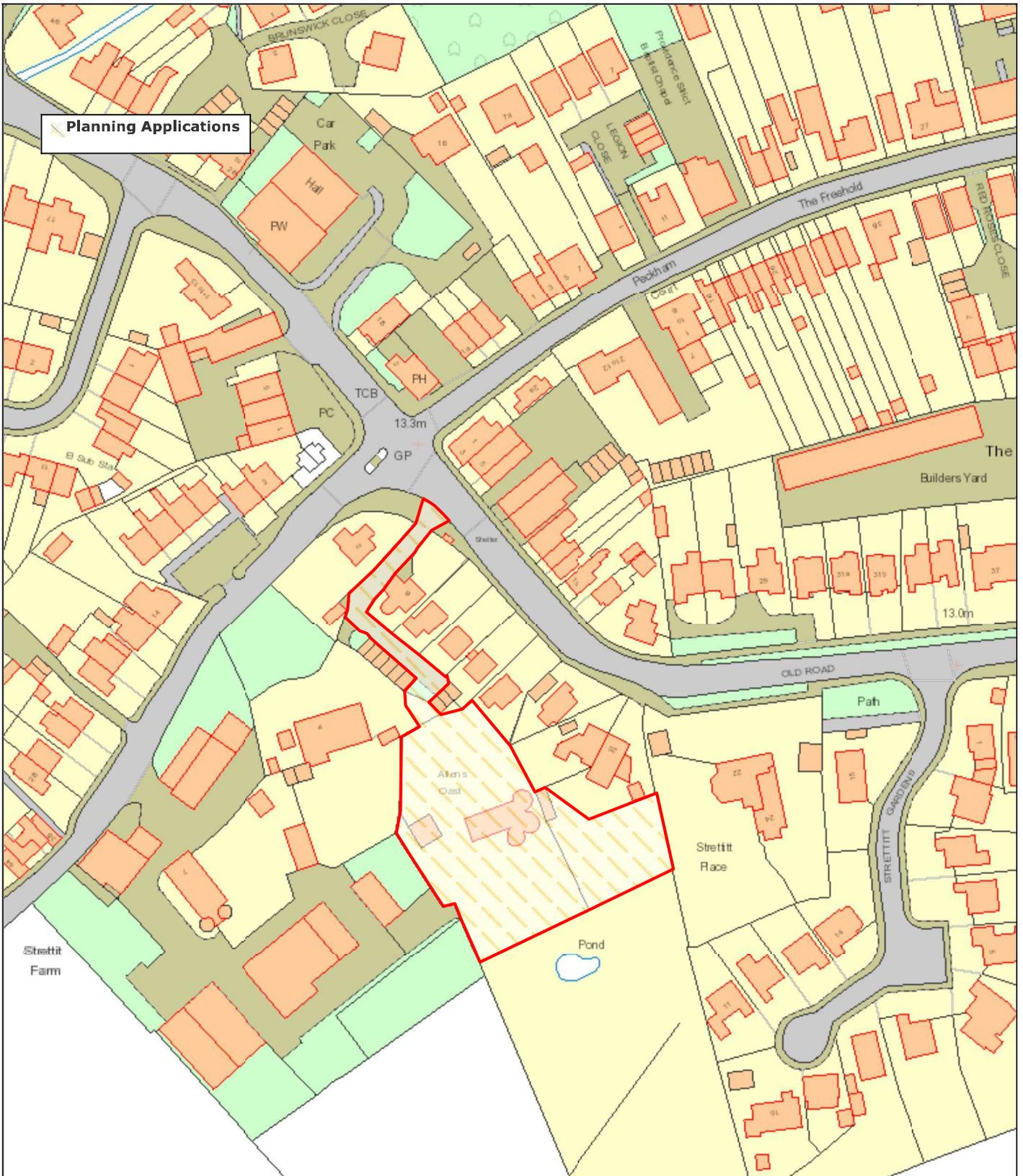
Reason: To ensure a satisfactory appearance to the development.

4. The summerhouse hereby permitted shall be occupied and used for purposes incidental to the enjoyment of the main dwelling house and for no other purposes whatsoever.

Reason: To safeguard the character and amenities of the locality.

Contact: Suzanne Leach

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Planning Applications 25/01509/PA

Scale: 1:1250



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Date: 2/1/2026 15:50

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Agenda Item 10

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 12

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.

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INFORMATION**

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