

TM/74/12012/OLD grant with conditions 12 July 1974

Erection of double garage.

TM/89/10362/FUL grant with conditions 6 June 1989

Demolition of existing garage and erection of new utility and cloaks extension with attached garages.

TM/99/01267/FL Grant With Conditions 26 August 1999

front bay extension to lounge

TM/06/03585/FL Approved 16 January 2007

Two storey side extension to provide two bed annexe

TM/07/03837/FL Approved 6 December 2007

Conservatory extension to rear of approved annexe

5. Consultees:

5.1 Aylesford PC: Raise no objections subject to a condition removing permitted development rights for the site allowing for its expansion.

5.2 KCC Highways: Raise no objections as the roads within Kits Coty are in a private ownership and are not under the jurisdiction of the Highways Authority.

Private Reps: 1/1X/7R/ 1S+ site notice and press notice. The issues raised are:

- Loss of privacy and overlooking.
- Noise nuisance from the use of the amenities and vehicle movements.
- Security implications.
- Overdevelopment of the site.
- Increased traffic flow and the impact upon the repair and maintenance of the unadopted roads which is funded by local residents.

6. Determining Issues:

6.1 The National Planning Policy Framework (NPPF) along with policy CP1 of the Local Development Framework Core Strategy (2007) and policy CC1 of the Managing Development and the Environment DPD (2010) place sustainability at the heart of decision making, ensuring that new development does not cause

irrevocable harm to the environment and balancing this against the need to support a strong, competitive rural economy and protect the social welfare of existing and future residents.

- 6.2 The application site is located outside the built confines of any urban area or rural settlement and, therefore, in the countryside for Development Plan purposes. Policy CP14 of the Tonbridge and Malling Borough Core Strategy seeks to restrict the incursion of new development within such areas in order to protect the character and appearance of the countryside for its own sake. This policy identifies several exceptions to the general presumption against new development including development for which a rural location is essential. The site is also located within the Strategic Gap between the built up areas of the Medway Gap, Maidstone and the Medway Towns. The purpose of the strategic gap is to provide a physical break and maintain the separate identities of the major urban areas and surrounding rural villages. Policy CP5 of the LDF requires that new development in such an area would not harm the function of the Strategic Gap.
- 6.3 Specifically relating to tourism uses, paragraph 28 of the NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to new development. This includes supporting rural tourism that benefits local businesses in rural areas, communities and visitors, and which respects the character of the countryside. Following on from this policy DC5 of the Managing Development and the Environment DPD (MDEDPD) states that within rural areas proposals for new tourism facilities will be permitted subject to certain criteria being met which includes the following:
- It will support the local economy.
 - The development either individually or cumulatively would not detract from the character of the area.
 - The amount of new built development is directly related to the proposed use and is the minimum required to serve the use.
 - The development would not result in the loss of the best agricultural land or the fragmentation of an agricultural land holding into a non viable agricultural unit.
 - The development would be adequately served by the highway network and no hazard would be caused to highway safety.
 - No adverse impact being caused to the residential amenity of the locality.
- 6.4 The site is located in an area where permanent residential development would not be acceptable not only because of the countryside location, but also from a general sustainability perspective due to the continuing reliance upon the private

car and their inaccessibility to local services such as healthcare, schools and employment which are not necessary for a tourism use.

- 6.5 The development would provide an opportunity for rural tourism in an area which is not significantly remote from local services which can be found in the villages of Aylesford and Burham. The site is relatively easily accessible by public transport with bus links on Bluebell Hill from Maidstone town centre and the Medway Towns. The development would allow a local resident to gain some employment close to their home and this combined with the attraction of tourists into the locality would provide the opportunity to support the local rural economy. In light of this, the development would be acceptable in principle subject to conditions limiting the occupancy and the use.
- 6.6 Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and Policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 require high quality design which reflects the local distinctiveness of the area and respects the site and its surroundings in terms of materials, siting, character and appearance.
- 6.7 The site is also situated within an Area of Outstanding Natural Beauty. Paragraph 115 of the NPPF requires that great weight is afforded to ensuring that new development would not detract from the character and appearance of this nationally designated landscape. Policy CP7 of the Tonbridge and Malling Borough Core Strategy states that development will not be permitted which would be detrimental to the natural beauty and quiet enjoyment of such areas except where such development is of national interest (subject to certain criteria) or the development is essential to meet local social or economic needs.
- 6.8 The development proposes the installation of four structures on the land for use as sleeping accommodation as well as the siting of a permanent shower block/ kitchen building and the construction of a car parking area large enough for four cars to park and turn. The accommodation structures are all proposed to be of a temporary nature and as such would not be permanently attached to the land by any means. The temporary nature of the structures along with the screening during the summer months would prevent the visual impact of the development within the rural landscape.
- 6.9 The proposed shower block is proposed to be situated to the north western corner utilising the dense tree screen in order to limit the visual impact. The proposed car park would be situated to the north eastern side adjacent to the access road and residential properties which are situated to the east. The area of car parking is proposed to be the minimum size in order to provide parking for one car to serve each unit and a turning area. Once again natural screening would be utilised to minimise the visual impact of the hard development in the landscape. I, therefore, consider the campsite would not detract from the character of the area, is appropriately located and provides a minimal number of buildings and facilities that

relate directly to the use. No adverse impact would therefore be caused to the visual amenity of the locality or character and appearance of the AONB as a result of the proposed works.

- 6.10 Development plan policy along with the NPPF requires that all new development does not result in harm to the residential amenities of neighbouring properties in order to allow for environmental and social sustainability. Concern has been raised by neighbouring occupiers with regard to the potential noise disturbance caused by the development. The closest neighbour, number 84, is in the same ownership as the application site and, therefore, there would be a degree of control and interrelationship between the two sites. Notwithstanding this, the development proposes the use of the site for a total of four tourist units. This would limit the number of people present at the site and the number of vehicular movements associated with it. The use would be small scale and low key and there is no external lighting proposed which would cause intrusion to the neighbouring dwelling if the ownership were severed. As such, no adverse impact would be caused to the residential amenity of the occupants of the closest neighbouring dwelling to the site.
- 6.11 Objection has been raised by owners of “The Orchards” with regard to potential noise and disturbance. This site is a parcel of land to the west of number 84 which does not have a lawful residential use. As such, limited weight can be afforded to the residential amenity of occupants of this site.
- 6.12 Policy SQ8 of the Managing Development and the Environment DPD states that development will only be permitted where it would not significantly harm highway safety and where traffic generated by the development can be adequately served by the highway network. The development proposes off road car parking for four cars with a turning area, this would provide sufficient provision to serve four small units of a double or triple occupancy. In addition, as the overall level of accommodation would be limited, the number of vehicular movements it would generate, would not cause significant noise and disturbance to the neighbours or have highway safety implications at the junction with Chatham Road where the private roads join the public highway.
- 6.13 Full details of the proposed tents and shepherds huts have not been provided with the application. It is necessary to require the details by condition in order to ensure the level of accommodation (i.e. the size of the tents and shepherds huts) to be provided would not result in the need for a larger amount of car parking provision or significant vehicular movements to and from the site.
- 6.14 Local residents have raised concern that traffic movements to and from the site would cause them repair and maintenance issues on the unadopted roads. Maintenance of private roads is not a material planning consideration but is rather an issue for the local residents to agree with the applicants.

6.15 The site is currently an undeveloped area of grassland which forms part of an agricultural field. Natural England Standing Advice indicates that there may be a need for protected species surveys in order to assess the biodiversity implications of any new development. The proposal seeks to carry out minimal built development on the land which would not impact upon any of the existing tree lines. The tents and shepherds huts would be placed on the land rather than disturbing the ground and the erection of the amenity block and car parking area would be small scale. This would prevent harm being caused to any protected species on the site. The installation of landscaping along the south eastern and north eastern boundaries would allow for enhancement of the natural habitat for protected species, providing a potential for additional commuter routes. This provision could be secured by way of condition.

7. Recommendation:

7.1 **Grant Planning Permission** in accordance with the following submitted details: Existing Site Layout 1617.E.01 dated 29.10.2013, Email dated 05.11.2013, Photograph DETAILS OF TEEPEE dated 05.11.2013, Dimensions BELL TENT dated 05.11.2013, Site Plan 1617.C0.01 (B) proposed dated 05.11.2013, Site Plan 1617.C0.02 proposed dated 05.11.2013, subject to:

Conditions / Reasons

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 materials to be used externally in the construction of the shower block shall accord with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality, in accordance with Saved Policy P4/12 of the Tonbridge and Malling Borough Local Plan 1998 and Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

3. The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: To ensure no adverse impact upon highway safety resulting from potentially hazardous on-street parking, in accordance with Section 2 of Policy SQ8 of the Managing Development and the Environment Development Plan Document 2010.

4. No more than 4 units of tourist accommodation shall be provided on the site at any one time whether or not permitted by Schedule 2, Part 5, Classes A or B of the General Permitted Development Order 1995 (as amended), details of which shall be submitted to and approved in writing by the Local Planning Authority prior to their installation on site. The details shall include external dimensions and materials.

Reason: In the interests of visual amenity and to ensure there is sufficient parking provision on the site

5. (i) the units of tourist accommodation shall not be occupied as a person's sole, or main place of residence;
(ii) An up to date register shall be kept, in legible English, of the main or home address of each of the occupants of the portable buildings as shown on the approved block plan and shall make the register available for inspection by the Local Planning Authority at an address notified in writing to the Local Planning Authority at 48 hours notice.

Reason: To ensure that the log cabin (caravans) hereby approved are not used for permanent residential occupation which would constitute an inappropriate land use within the countryside and be contrary to Policy CP14 of the Tonbridge and Malling Borough Core Strategy 2007, Policy DC5 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010, paragraph 55 of the National Planning Policy Framework 2012

6. The shower block as shown on drawing numbers 1617.CO.02 and 1617.CO.01 Rev B shall only be used as ancillary facilities to serve the four units of tourist accommodation and for no other purpose.

Reason: In order to ensure there is adequate off road car parking provision to serve the use.

7. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: To ensure that the development does not harm the character of the existing building in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy, Policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document and paragraphs 57, 58 and 61 of the National Planning Policy Framework (2012).

8. Prior to the commencement of development a campsite management plan including details of where the accommodation would be positioned on the site, method for the disposal of waste and security measures for occupants shall be submitted to and approved in writing by the Local Planning Authority. The campsite shall be operated in accordance with the approved management plan, unless agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

9. No external lighting shall be installed on the hereby approved extension without the prior written approval of the Local Planning Authority. If any external lighting is proposed then details must include a layout plan with beam orientation and a schedule of equipment including luminaire type, mounting height, aiming angles and luminaire profiles.

Reason: In the interests of the visual amenity of the rural landscape and the residential amenity of nearby dwellings in accordance with Policy CP24 of the Tonbridge and Malling Core Strategy 2007.

10. Should the shower block as shown on drawing number 1617.CO.02 not be used in association with the approved tourist use during 2 consecutive calendar years, or if at any time it is no longer required for a use ancillary to the tourism use, the shower block building shall be removed from the site and the land upon which it was sited restored within 3 months to its previous condition unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting the character and appearance of the countryside designated as an AONB by preventing the proliferation of unnecessary buildings in the countryside

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