

**Ightham**

**7 March 2016**

**TM/16/00776/FL**

Wrotham, Ightham And  
Stansted

Proposal: Part demolition and re-use of existing riding arena building as a dwelling with associated external alterations to the building, engineering works, access, parking and residential curtilage

Location: Barnfield Cottage Stone Street Road Ivy Hatch Sevenoaks Kent TN15 0NH

Applicant: Mr & Mrs John and Iwona McElroy

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**1. Description:**

- 1.1 The application proposes to re-use a redundant private indoor riding arena building associated with Barnfield Cottage as a single dwelling. It is proposed to remove part of the building and carry out external and internal alterations to facilitate its use as a dwelling. The development will also involve engineering works comprising the removal of the existing sand school, re-profiling of the land and the provision of hard surfaced areas for vehicle access and parking. A new residential curtilage will also be formed comprising primarily the area of the existing sand school to the north of the building.
- 1.2 The riding arena building will be reduced in width by 6m (one span) providing a revised building measuring 37m x 21.5m. The converted building will provide ground floor accommodation consisting of 5 bedrooms with en-suites, kitchen/family room, drawing room, dining room, living room and a study. The external alterations are to consist of red/brown brick plinth and dark brown horizontal timber wall cladding, natural slate roof and painted or stained timber doors and windows. An arrangement of roof lights is proposed each side of the ridge of the building.
- 1.3 Access to the site will be provided by sharing the main access drive for Barnfield Cottage. A parking and turning area is to be positioned adjacent to the front northeast corner of the building.
- 1.4 Surface water from the building is to be drained to a new soakaway and foul water is to be directed to a new package treatment plant, both to be situated to the south of the building.
- 1.5 A Design and Access Statement, Planning Statement, Structural Report, Extended Phase 1 Habitat Survey and Bat Building Survey and a Tree Survey have been submitted with the application.

- 1.6 Amended plans were submitted on 12 August 2016, providing revisions to the design and external appearance of the building. The gable entrance roof extension has been removed and alterations to the fenestration provided.

## **2. Reason for reporting to Committee:**

- 2.1 At the request of Councillor Coffin in order to consider the principle of the development.

## **3. The Site:**

- 3.1 The application site comprises an area of 0.53ha (1.3 acres) and is located on the south side of Stone Street Road, about 150m to the west of Pine Tree Lane, in the countryside, to the west of the hamlet of Ivy Hatch. It comprises an area of land to the west of the host dwelling of Barnfield Cottage that includes a disused competition scale equestrian riding arena building and a sand school. The building is sited about 80m from Stone Street Road and 6.5m back from PROW bridleway MR425 that extends past the western boundary of the application site. The land slopes markedly down from north to south with the riding arena building being set approximately 13m lower than the level of Stone Street Road. A small dormant cobnut orchard is situated between the application site and Stone Street Road.
- 3.2 The riding arena building was erected in the early/mid 1980s under planning permission TM/82/726, subject to planning conditions requiring the building to be used only for the exercise and training of horses owned by the occupiers of Barnfield Cottage and for purposes incidental to the residential enjoyment of this dwelling, and the implementation of a scheme of landscaping. This permission was varied under reference TM/82/1144. The building has a footprint of 43m x 21.5m, with an eaves height of 4.1m and ridge height of 6.5-7m. It is of steel framed construction and clad in corrugated asbestos sheeting. The building is set into the slope of the land and positioned at the bottom of a valley in the landscape.
- 3.3 A sand school (60m x 20m) is situated to the north of the riding arena positioned on an engineered plateau that sits well above the floor level of the riding arena building but well below the land further to the north. This was granted planning permission in the early 1990s under reference TM/90/1024. This also has not been used for many years.
- 3.4 The site is within the Metropolitan Green Belt, countryside, Kent Downs AONB and a Water Catchment Area. An area of woodland on the northern side of Stone Street Road is designated as Ancient Woodlands and SSSI.
- 3.5 The residential properties of Catmint Cottage, Point House and Beaconsmount are situated on the northern side of Stone Street Road to the north/northeast of the application site. The field to the west of the bridleway rises to a ridge that is

significantly above the level of the application site. The land to the west of the bridleway is within Sevenoaks District Council.

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

TM/82/10483/FUL      grant with conditions      21 October 1982  
(TM/82/726)  
Erection of pre-cast concrete framed building (40m. x 19m) as cover for horse exercising area.

TM/83/10975/FUL      grant with conditions      25 February 1983  
(TM/82/1144)  
Erection of new building for horse exercising (revised application).

TM/90/10691/FUL      grant with conditions      26 September 1990  
(TM/90/1024)  
Retrospective application for change of use and formation of sand riding area including the laying of new drainage system under existing horse schooling area.

TM/14/01695/FL      Refuse      15 July 2014  
                                 Appeal Dismissed      23 March 2015  
Redevelopment of redundant indoor riding arena, sand menage and engineered banks with a single dwelling, detached garage and associated new vehicular access

**5. Consultees:**

5.1 PC: Support.

5.2 EA: No comments to make as the proposed development is low risk.

5.3 Fire Brigade: No comments received.

5.4 Sevenoaks DC: Objection. The proposed development will result in significant rebuilding and changes to all external elevations to facilitate the proposed development and use. It can therefore not be demonstrated that the conversion can take place without significant rebuilding as set out in the National Planning Policy Framework. The proposals therefore constitute inappropriate development in the Green Belt and are unacceptable in principle. The council objects to the proposal unless TMBC is satisfied with the very special circumstances provided by the applicant to justify the development.

5.5 KCC (PROW): No objection. Public Right of Way MR425 Bridleway runs alongside the application site. The new hedgerow should be installed 1.5 metres away from the boundary to the bridleway and the applicant made aware they shall be responsible for any maintenance required on the hedge.

- 5.6 Kent Wildlife Trust: Objection. The application site lies within a rural area on the edge of Ivy Hatch. It forms part of a well developed corridor of woodland, hedges and open fields between the Ancient Woodland blocks at Seal Chart (SSSI) and north of Ightham Mote. Such wildlife corridors are valuable local biodiversity assets in their own right whilst, at the same time, they enable the essential movement of wildlife between more valuable habitats. The biodiversity of the whole area is enriched by interconnected habitats. Green Belt and countryside planning policies give welcome protection to such corridors and, in the circumstances of this case, I'm not convinced that the development "assists in safeguarding the countryside from encroachment" (Paragraph 80). Consequently, the proposal fails to satisfy the test to be applied when considering the conversion of permanent buildings in the Green Belt set down in the NPPF at paragraph 90. The domestic occupation of the arena building will fragment the rich habitat structure of this part of the countryside, contrary to NPPF (paragraph 109) and TMBC (policy NE3) planning policies. The dis-benefits of the change of use include a greater level of human activity, external illumination and domestic animal predation.
- 5.7 CPRE: Objection. CPRE considers that conversion is an inappropriate term for this proposal, which appears to be significant rebuilding. The building will be stripped back to a steel girder frame and then significant further works would be required to move load-bearing walls. The building would be re-clad introducing windows and doors on each façade of the building; even the roof would be changed in form and with numerous windows appearing in different locations. The location is rural and unsustainable, as it would substitute an intermittent equestrian use with a permanent residential one which would inevitably require constant vehicle use to access services and employment. The location is part of an important wildlife corridor between two areas of ancient woodland. The introduction of permanent habitation with the attendant lighting, including lighting from numerous roof lights and noise will disturb and negate the use of the wildlife corridor.
- 5.8 Private Reps: 7/0X/7R/0S + Article 15 site notice. The following concerns were raised by 7 objectors:
- The development would have an adverse effect on the rural character and visual amenity of the countryside and AONB
  - The dwelling and access would introduce urban built forms to the rural area
  - The proposed hedge adjacent to the western boundary of the site would impact on views from the public bridleway
  - The new dwelling would cause light and noise pollution
  - No very special circumstances in the Green Belt have been provided to justify the development
  - A new dwelling would impact on the environment and traffic in the area

- The site provides a habitat for bats, owls, dormice and badgers and wildlife would be disturbed by the development of the site
- The development would harm the established wildlife corridor
- The shared main vehicle access is dangerous.

## **6. Determining Issues:**

6.1 A previous application submitted under planning reference TM/14/01695/FL involved the proposed entire demolition of the riding arena building, removal of the sand school and the erection of a new dwelling and garage with a new access to Stone Street Road that followed the boundary with the bridleway. This application was refused by the Local Planning Authority under delegated powers and was subsequently dismissed at appeal by the Planning Inspectorate. The reasons for refusal in that case are summarised as:

- *Inappropriate development in the Metropolitan Green Belt and designated countryside*
- *Harm from the proposed new 'bell-mouth' vehicular access and associated driveway adjacent to a rural bridleway*
- *Incongruous features in the AONB, from public vantage points along the adjacent PROW and in the rural locality generally*
- *Inadequate ecological survey.*

6.2 The Inspector concluded that the proposal would constitute an isolated dwelling in the countryside which would have an adverse effect on the character and appearance of the countryside and AONB and that there were no material considerations that would amount to very special circumstances needed to outweigh the harm of the development's inappropriateness in the Green Belt.

6.3 In assessing this scheme, it is necessary to consider whether the previous reasons for refusal, along with the reasons the Inspector gave for dismissing the appeal, have been overcome. The current scheme is substantially different to the previous scheme as it proposes the reuse of an existing building rather than demolition and construction of an entirely new dwelling with associated garage and residential curtilage.

6.4 The main issues are whether the proposal would be harmful inappropriate development within the Green Belt or cause any other harm, and if so whether any very special circumstances exist that would outweigh any identified harm, whether the building is suitable for conversion to a dwelling and whether the conversion and proposed external alterations to the building would affect the appearance and character of the area, visual amenity of the broader rural locality, including the PROW, or the amenity of neighbouring residents.

Development in the Green Belt

- 6.5 The application site is in the Green Belt where Policy CP3 of the TMBCS advises that National Green Belt policy will apply (Section 9 of the NPPF).
- 6.6 Paragraph 87 of the NPPF advises that *“as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”*
- 6.7 Paragraph 90 of the NPPF advises that the re-use of buildings that are of permanent and substantial construction, along with engineering operations, are a certain form of development that are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.
- 6.8 The proposed development reuses an existing private riding arena building. A structural report from a structural and civil engineering consultant has been submitted that confirms that the existing steel frame, including the existing foundations, could be used for the proposed conversion and that the lateral stability of the structure is sound, as are the pad foundations. It concludes that the building structure in its current state is structurally sound and in engineering terms is suited for the proposed conversion to a domestic dwelling. I therefore consider the building to be of permanent and substantial construction.
- 6.9 A 6m x 21.5m section (one span) of the building is to be demolished and the building is to be re-clad. The alterations to the building would result in a clear net reduction in the size of building. The recladding to remove asbestos sheets would also be supported in principle. Engineering works are proposed which include a new hard surfaced access and parking area. The access utilises the main vehicle access road to Barnfield Cottage which continues part way to the riding arena building. The access will be extended by only 15-20m to a parking area adjacent to the northeast corner of the building. These new hard surfaced areas are situated within the previously developed areas of the site and are relatively modest in their extent.
- 6.10 A residential curtilage is also proposed that would be inappropriate development and therefore harmful by definition. It would also introduce domestic paraphernalia associated with the dwelling which could further impact on openness. In this case, however, the curtilage is mostly confined to the areas around the arena building and sand school and the level of paraphernalia for the dwelling would not, in my view, be over and beyond that which could be associated with the lawful equestrian use. Also, the existing sand school area is to be removed and re-graded and planted out with grass which would bring visual benefits to the openness of the land on the ground. I therefore consider that the development would result in an overall improvement to the openness of the Green Belt in physical terms and this can be considered to be very special circumstances sufficient to override the definitional harm arising from the change of use.

- 6.11 The development is therefore compliant with the requirements of policy CP3 of the TMBCS and paragraphs 80, 87 and 90 of the NPPF.

*Development within the Countryside*

- 6.12 Policy CP14 of the TMBCS restricts development in the countryside to specific development listed in the policy. One of these is conversion of an existing building for residential use and therefore the proposal would comply in principle with this policy.
- 6.13 Paragraph 55 of the NPPF advises that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and that new isolated homes in the countryside should be avoided unless there are special circumstances, such as where the development in question would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. In this case, the new dwelling would be isolated in that it would be outside of any nearby settlement. However, the development would re-use a redundant building and, by way of reducing the size and substantially improving the appearance of the building and reinstating the sand school to open grassed land, would enhance the immediate setting subject to relevant controls over future further development within the curtilage. As such, I am satisfied that the requirements of paragraph 55 have been met and the second reason for refusal previously cited successfully overcome.
- 6.14 Policy DC1 of the MDE DPD relates to the re-use of rural buildings. Parts 1 and 2 of this policy are relevant to this proposal and require specified criteria to be met. These are addressed below.
- 6.15 The proposed development reuses an existing building and, as discussed above, a structural report submitted concludes that the building is of permanent sound construction and capable of conversion. A span of the building is to be demolished but the revised side of the building would be re-clad like the rest of the retained building. I do not consider that this would represent 'rebuilding'. It is important to note that internal works, including internal wall reinforcements, would not constitute 'development' under the Act. Also, it is generally accepted that the installation or replacement of windows, doors, roofs and exterior walls to the extent reasonably necessary for the building to function as a dwelling does not amount to "substantial reconstruction". I am therefore satisfied that the building has been shown to be of permanent and sound construction and is capable of conversion to a dwelling in this case.
- 6.16 The reduction in the size of the building, new external materials, which include red/brown brick plinth and dark brown horizontal timber wall cladding, slate roofing and the proposed fenestration comprising timber doors, windows and shutters, would provide an appropriate rural barn-like appearance that would be sympathetic to the character of the area.

- 6.17 The building is well separated from nearby residential properties and is also well screened by the topography of the land and the dormant cobnut orchard to the north. The development would therefore be acceptable in terms of residential amenity. The building would be clearly visible from the bridleway but I am satisfied that the alterations to the building could enhance visual amenity from this public vantage point. I have noted that several local residents have concerns with the location of a proposed hedgerow shown adjacent to the bridleway. This hedge can be relocated closer to the building to retain views of the section of cobnut orchard to the northwest of the building. This can be secured by a condition requiring a comprehensive scheme of landscaping to be approved. The building is situated within a valley in the landscape and therefore would not be visible from long range. The building is also of a size that is more than adequate for use as a dwelling.
- 6.18 The proposed use will not affect any surrounding agricultural land holding.
- 6.19 A landscaping scheme can be required by a condition that repositions the hedge currently indicated adjacent to the public bridleway to a location away from the bridleway, as well as other suitable native species to screen the side wall of the building and appropriately rural fencing.

#### Ecology

- 6.20 An Extended Phase 1 Habitat and Bat Building Survey has been submitted, prepared by Corylus Ecology. The survey advises that there are no rare or nationally scarce plant species on the site and a relatively limited diversity of plants and habitats. An old bat feeding roost was identified inside the judge's box in the barn but this is not considered to be a day roost and the building is too draughty and light to support bats. No further surveys were deemed necessary in respect to the building. Two goat willow trees with cavities were inspected but no evidence of roosting bats was recorded. The report recommends evening bat emergence surveys. If a bat roost is identified then a Natural England licence would be needed to destroy the roost. The felling of these trees should be supervised by an ecologist. Although there is a low risk of reptiles on the site, areas of the site are becoming more suitable due to rough vegetation developing and therefore the report provides precautionary reptile habitat management measures. There was no evidence of the presence of barn owls in the building and no habitat suitable for dormice on the site. No badger setts were identified on or within 20m of the site and therefore no further surveys are recommended. There is some suitability for amphibians but the likelihood of great crested newts being present on the site is very low due to a poor local pond network.
- 6.21 I consider that, subject to the development being undertaken in accordance with the recommendations outlined in Section 4.0 Evaluations and Recommendations of the Extended Phase 1 Habitat and Bat Building Survey, protected species



would be adequately protected. The proposal would therefore accord with Policy NE2 of the MDE DPD.

6.22 The building is of no historic interest.

6.23 There are no operations or uses nearby that would compromise the residential use of the site.

6.24 The residential curtilage proposed is mostly confined to the previously developed areas of the site and, as mentioned in the Green Belt section of the report above, the level of paraphernalia for the dwelling would not be over and beyond that associated with the lawful equestrian use. Therefore, I do not consider that this would have an adverse impact on the rural character of the countryside.

6.25 Accordingly, the proposed development would satisfy Policy DC1 of the MDE DPD.

*Character, Landscape and Visual Amenity*

6.26 Policy CP24 of the TMBCS requires development to be of a high quality and be well designed to respect the site and its surroundings in terms of its scale, layout, siting, character and appearance. Policy SQ1 of the MDE DPD advises that new development should protect, conserve and, where possible, enhance the character and local distinctiveness of the area.

6.27 The external alterations to the building, as mentioned above, include the removal of a 6m x 21m bay from the east side of the existing building, insertion of new windows and doors in all elevations and the recladding of the building in red-brown brick (plinth) and dark brown stained horizontal timber weatherboarding with slate roof and timber windows and doors. It is noted that the shallow gable roof extension to the centre of the building originally proposed has now been designed out and the fenestration revised to retain more of the existing appearance through the conversion by incorporating modest sized windows of a glazing bar design, arched timber door openings and timber hinged shutters. The roof lights are to be of a conservation style and have been arranged close to the ridge which, in my view, would minimise their visual effect on the building. I consider that the proposed elevation changes provide a sympathetic agricultural barn type appearance that would enhance the character and visual amenity of the rural area.

6.28 The existing sand school is to be removed and the land re-graded and made into a lawned garden area with additional landscaping. As the land varies substantially in its topography I consider it necessary for details to be provided showing the finished grading of the land. This can be secured by a planning condition.

6.29 The domestic curtilage is considered to reasonably reflect the extent of the existing equestrian development and would be of an appropriate size within this rural area. It is however recommended that the hedgerow proposed along the

boundary with the bridleway be relocated away from the boundary, preferably closer to the building, to remove possible future encroachment into the PROW and to assist in screening the building. A detailed landscaping scheme, including boundary treatments, can be secured by condition to help screen and enhance the development.

- 6.30 The new dwelling is proposed to be served via the existing vehicular access serving Barnfield Cottage, thus significantly reducing the amount of associated hardstanding to serve the development. This is in contrast to the previous scheme which proposed a substantial new access from Stone Street Road through the cobnut orchard. This is considered to be a sympathetic way of accessing the site which overcomes the previous reason for refusal (Reason 3).
- 6.31 A Tree Survey been submitted which assesses the trees on the site and their suitability for retention in light of the proposed development. The report indicates that 40 trees have been assessed as category 'C' (Trees of low quality), of which 39 are to be retained. A Common Beech tree is to be removed to accommodate the extension to the access drive. Thirty-seven (37) trees have been assessed as category 'U' (Trees unsuitable for retention), of which 4 trees are to be retained. The other 33 trees are to be removed as they have been identified as having poor structure and form or are unstable. These are mainly around the south, north and west sides of the building and on the slope between the arena building and the sand school. None of the trees recommended for removal are considered to be worthy of retention. The trees further from the building will not be affected and those either side of the proposed access road are to be retained and protected. On balance, I do not consider the removal of the trees proposed would adversely affect the visual amenity of the area.
- 6.32 The development would significantly enhance the appearance of the existing building and the land to the north due to the removal of the sand school and reinstatement of the landscape in this area. Although the use of the building as residential would bring some impact from domestic lighting, car movements and general residential activity and paraphernalia, I do not consider that these would adversely affect the natural beauty and quiet enjoyment of the AONB given the existing lawful equestrian use of the building and site. The proposal would therefore satisfy Policy CP7 of the TMBCS.
- 6.33 An area of cobnut trees extends from Stone Street Road to the north of the application site, and partially within the northwest section of the site adjacent to the western side of the riding arena building. To the north of this small orchard across Stone Street Road lies an Ancient Woodlands/SSSI area. Kent Wildlife Trust has objected to the development due to the impact that greater human activity, external illumination and domestic animal predation would have on the habitat corridor/structure and biodiversity of the area. In taking into account the established equestrian nature and impact of the sand school and indoor riding arena, the reduction in the size of the domestic curtilage to correspond more

closely to the developed parts of the land, control of external lighting for the site and implementation of the recommendations outlined in the submitted Extended Phase 1 Habitat and Bat Building Survey for the planting of new trees, hedges and new lawn to enhance biodiversity in the area, I am satisfied that the development would not adversely affect biodiversity or habitats in the immediate area. The site is 65m from the SSSI and the highway intervenes and therefore I do not consider that the development would be likely to affect the SSSI. The development would therefore not conflict with Policies NE2 and NE3 of the MDE DPD or paragraph 109 of the NPPF.

- 6.34 I am therefore satisfied that the proposals with regard to trees would not result in any harmful impact on the appearance or character of the area or the visual amenity of the rural locality.

Parking/Highways/PROW

- 6.35 A car parking area has been provided adjacent to the northeast corner of the building which provides ample parking and turning for the development. The site is also relatively isolated in the countryside and uses an existing access road from Stone Street Road. The existing vehicle entrance to Barnfield Cottage, which will be used for the proposed development, is of a high quality with gates set well back from the highway.
- 6.36 Bridleway MR425 extends past the western boundary of the site. KCC PROW has reviewed the proposal and has not submitted any objection but has asked that the hedgerow shown on the plans be located 1.5m away from the boundary to the bridleway and that the applicant would be responsible for any maintenance required to the hedge. An informative can be added to any permission granted in this regard.
- 6.37 I am satisfied that adequate access to the site is provided for fire service vehicles. The main access from Stone Street Road is of a generous size and the access road to the site is spacious and unimpeded.
- 6.38 Accordingly, I am satisfied that the development would not result in any significant harm to highway safety and that any residual cumulative impacts on the transport network would not be severe. The proposal therefore accords with Policy SQ8 of the MDE DPD and paragraph 32 of the NPPF.

Other Material Considerations

- 6.39 The site is not considered to present any concern regarding land contamination but, as the building has been acknowledged as being clad in asbestos sheeting, an informative relating to asbestos will be added. The development would therefore accord with paragraphs 120-121 of the NPPF.

- 6.40 Given the position of the building within the site and its relationship with its nearest neighbours, there would be no adverse impact on residential amenity arising from the proposals.
- 6.41 The foul sewage is shown to use a package treatment plant but the first preference is for connection to a main sewer especially as the site is within a Water Catchment Area, so a condition will be imposed accordingly. There are no objections to the soakaway for surface water.

### Conclusions

- 6.42 It is noted that the proposed scheme is substantially different to the previous scheme (TM/14/01695/FL) that was dismissed at appeal. The current scheme re-uses an existing building in the Green Belt, provides changes to the exterior of the building that result in an overall building appearance that is sympathetic to its rural setting and minimises the need for additional hard surfacing by using the existing access for Barnfield Cottage. This compares to the previous scheme which proposed the demolition of the existing building and replacement with a large detached house and new long access road from Stone Street Road that provided an urbanising form of development that was harmful to the rural area.
- 6.43 In light of the above, I consider that the proposed development accords with the relevant provisions of the Development Plan and NPPF, and therefore approval is recommended.

## **7. Recommendation:**

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Location Plan 101 P2 received 12.08.2016, Site Plan 102 P2 received 12.08.2016, Artist's Impression 103 P2 received 12.08.2016, Proposed Elevations 104 P3 received 12.08.2016, Proposed Floor Plans 105 P2 received 12.08.2016, Roof Plan 106 P2 received 12.08.2016, Supporting Statement received 03.05.2016, Supporting Statement Response to Sevenoaks DC received 03.05.2016, Structural Survey received 07.03.2016, Design and Access Statement received 07.03.2016, Planning Statement received 07.03.2016, Email pre-application received 07.03.2016, Ecological Survey received 07.03.2016, Arboricultural Survey received 07.03.2016, Cross Section 107 P1 received 07.03.2016, Existing Elevations 108 P1 received 07.03.2016, Topographical Survey 109 P1 received 07.03.2016, Photographs 110 P1 received 07.03.2016, subject to the following conditions:

### **Conditions:**

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

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

- 2 No development shall take place until details or samples of all materials to be used externally on the building and a schedule of works detailing the application of the materials to the existing building to be converted have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

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

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Classes A-F of Part 1 and Class A of Part 2 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: To ensure that the development does not harm the appearance of the building, character of the area or openness of the Green Belt.

- 4 The dwelling shall not be occupied, until the areas shown on the submitted layout as new access, turning area and vehicle parking space have 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 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 the reserved parking space.

Reason: In the interests of orderly development and highway safety.

- 5 Prior to the occupation of the dwelling, the sand school and hardstanding shown to be removed on Drawing No.101 P2 shall, along with all arisings therefrom, be removed from the site and the land made good in accordance with details to be submitted to and approved by the Local Planning Authority. The details to be submitted for approval shall include cross-sections showing the finished reinstatement of the land between the building and the land beyond the northern extent of the sand school.

Reason: To protect the openness of the Green Belt and visual amenity of the rural area.

- 6 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft and hard landscaping and boundary treatment. This shall include the repositioning of the proposed hedgerow from the western boundary to a position closer to the building and provision of additional native landscaping to assist in screening the development from the public bridleway. 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 similar structures as may be approved shall be erected before first occupation of the building.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and rural locality.

- 7 The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, other than those specified for removal in the approved Tree Survey (Tree Craft Ltd, March 2016) by observing the following:

(a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).

(b) No fires shall be lit within the spread of the branches of the trees.

(c) No materials or equipment shall be stored within the spread of the branches of the trees.

(d) Any damage to trees shall be made good with a coating of fungicidal sealant.

(e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.

(f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and rural locality.

- 8 The development shall be carried out in accordance with the recommendations set out in Section 4.0 'Evaluation and Recommendations' outlined in the submitted Extended Phase 1 Habitat Survey and Bat Building Survey (February 2016) prepared by Corylus Ecology.

Reason: To safeguard protected species and protect the biodiversity of the local area.

- 9 No external lighting shall be installed on the site, except in accordance with a scheme of external lighting submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: To protect the visual amenity of the rural area.

- 10 Notwithstanding the proposed package treatment plant shown on the approved plans, foul water shall be disposed of directly to the main sewer, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent pollution of groundwater.

### **Informatives**

- 1 This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
- 2 During the demolition and construction phase, the hours of working (including deliveries) shall be restricted to Monday to Friday 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no work on Sundays or Public or Bank Holidays.
- 3 In implementing the above consent, regard should be had to the requirements of the Bye-Laws of the Environment Agency, Orchard House, Endeavour Park, London Road, Addington, West Malling, Kent, ME19 5SH.
- 4 Tonbridge and Malling Borough Council operate a two wheeled bin and green box recycling refuse collection service from the boundary of the property. Bins/box should be stored within the boundary of the property and placed at the nearest point to the public highway on the relevant collection day.
- 5 The proposed development is within a road which does not have formal street numbering and, if implemented, the new property will require a new name, which is required to be approved by the Borough Council, and post codes. To discuss a suitable house name 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 e-mail to [addresses@tmbc.gov.uk](mailto: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 property is ready for occupation.
- 6 You are also advised that, in undertaking the works hereby approved, due regard should be had to the provisions of the Wildlife and Countryside Act 1981 relating to the protection of species and habitats. The applicant is recommended to seek

further advice from Natural England, The Countryside Management Centre, Coldharbour Farm, Wye, Ashford, Kent, TN25 5DB.

- 7 The applicant should be aware that the disposal of demolition waste by incineration or use of bonfires on the site can lead to justified complaints from local residents and would be contrary to Waste Management Legislation.
- 8 It has been stated in the application details that asbestos containing materials are known to be present in the structure. Before commencing any works, the applicant is advised to seek further advice to ensure the necessary precautions are implemented for the duration of the demolition. More information can be found <http://www.hse.gov.uk/asbestos/> and <http://www.hse.gov.uk/asbestos/faq.htm#domestic-properties>.
- 9 The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings and extensions.
- 10 The hedgerow shown on the plans should be located 1.5m away from the boundary to the bridleway. With regard to any works that may affect the public bridleway, the applicant should contact Kent County Council, Strategic Planning, West Kent PROW, 8 Abbey Wood Road, Kings Hill, West Malling, Kent, ME19 4YT. Tel: (01732) 872 829.

Contact: Mark Fewster