

Ightham

Wrotham, Ightham And
Stansted

19 February 2018

TM/18/00396/FL

Proposal: Re-development of the site comprising of demolition of existing indoor riding arena, removal of an external sand school and the erection of a new two storey dwelling with associated engineering works, access, parking, landscaping and ecological enhancement works

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

Applicant: Mr & Mrs McElroy

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1. Description:

1.1 The application proposes the redevelopment of the site which includes:

- Demolition of the existing indoor equestrian riding arena building
- Removal of the existing outdoor sand school
- Erection of a new two storey dwelling
- Provision of an extension to the existing access road for Barnfield Cottage to a proposed parking area
- Associated ground works to re-level the land
- Landscape and ecological planting and enhancement works

1.2 The new dwelling will measure about 13m deep x 18m wide, with eaves 3.7m high and ridge 8.5m high. It is to be set back about 20m from the public bridleway (west), some 85m south of Stone Street Road and 40m from the host dwelling of Barnfield Cottage (east).

1.3 The dwelling is designed with low eaves to provide much of the first floor accommodation within the roof space but with projecting front and rear two storey gable elements. Three pitched roof dormers are proposed within the front and rear elevations. Chimney stacks are proposed to both side elevations. The external materials are to consist of red brick, clay tiles and timber windows and doors.

1.4 The dwelling will provide kitchen, family/dining room, drawing room, living room, utility room, study and W/C at ground floor and 4 bedrooms with ensembles and bathroom at first floor.

1.5 Access to the site will be provided by using the main access drive for Barnfield Cottage. The parking and turning area is to be provided between the eastern side of the dwelling and the outbuildings relating to Barnfield Cottage to its east.

- 1.6 Surface water from the building is to be drained to a new soakaway and foul water is to be directed to a proposed package treatment plant.
- 1.7 A Planning, Design and Access Statement, Extended Phase 1 Habitat Survey and Bat Building Survey (Corylus Ecology) and a Tree Survey and addendum (Tree Craft) have been submitted with the application.
- 1.8 Members will note that an alternative scheme for the same site appears elsewhere on the agenda for consideration. Each application falls to be determined on its own individual merits in light of the relevant policy considerations rather than on the basis of which scheme might be a preferred option for the site.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllr Betts given the recent planning history of the site.

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 to the west of the centre 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 site. The land slopes markedly down from north to south. 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 4.1-4.7m 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.
- 3.4 The site is within the Green Belt, Countryside, Kent Downs AONB and partially within a Groundwater Source Protection Zone and Aquifer Designation. An area of woodland on the northern side of Stone Street Road is designated as Ancient Woodlands and part of an 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/14/01695/FL	Refuse	15 July 2014
	Appeal Dismissed	25 March 2015

Redevelopment of redundant indoor riding arena, sand menage and engineered banks with a single dwelling, detached garage and associated new vehicular access

TM/16/00776/FL	Refuse	3 October 2016
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Part demolition and re-use of existing riding arena building as a dwelling with removal of sand school and associated external alterations to the building, engineering works, access, parking and residential curtilage

TM/17/01268/FL	Pending	
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Part demolition and works for the conversion of the existing riding arena building as a dwelling with removal of sand school and associated external alterations to the building, engineering works, access, parking, landscaping and ecological enhancement works (Resubmission of TM/16/00776/FL)

5. Consultees:

5.1 PC: No objection.

5.2 Sevenoaks DC: No objection.

5.3 KCC (PROW): No objection. Public Right of Way MR425 Bridleway runs alongside the application site. Whilst we do not object to the application, we ask that the new hedgerow is installed 1.5m away from the boundary to the bridleway and that the applicant be made aware that they shall be responsible for any maintenance required on the hedge.

5.4 Natural England: No objection. Natural England has assessed this application using the Impact Risk Zones data (IRZs) and is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which Oldbury and Seal Chart has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

- 5.5 KWT: The redevelopment of the arena provides an opportunity to buffer the wildlife corridor along the south-west boundaries of the site from the effects of an additional domestic property. An opportunity that, in my opinion, has been grasped satisfactorily by the applicant. In these circumstances, I have no objection to the latest proposal for the site, subject to appropriate conditions being attached to any planning permission to secure implementation of the current landscape and ecological enhancement proposals
- 5.6 KFRS: Following examination of the plans the provision of an access roadway of 3.7m in width which allows an appliance to within 45m of all points within the dwelling must be provided. Alternatively the installation of a domestic sprinkler system in the dwelling will increase the distance of Fire Service access to 90m (H<4.5m) of all points within the dwelling. In addition, turning facilities should be provided in any dead end access route that is more than 20m long. This can be by a hammerhead or turning circle in accordance with Table 8, B5 (ADB)
- 5.7 Private Reps + site and press notice: 11 /0X/9R/2S Press Notice. Objections raised on the following grounds:
- The proposal would be inappropriate development in the Green Belt
 - The development would affect the openness of the Green Belt and rural views
 - The proposal would be damaging to the visual amenity of the rural locality and to the preservation of the adjacent SSSI
 - The development would be highly visible from the public bridleway and would spoil views
 - Light pollution from the dwelling and garden would impact on the visual amenity of the rural area
 - No very special circumstances in the Green Belt have been provided to justify the development
 - The development would be incompatible with the rural setting of Barnfield Cottage and its grounds
 - The development would be detrimental to the AONB
 - The site's location is rural and unsustainable
 - The development would impact on the established wildlife corridor and adjacent SSSI and Ancient Woodlands
 - The development would introduce an urban form that would not safeguard the countryside from encroachment
 - The proposal would disrupt/destroy the existing nocturnal ecology of the area, including that of the nearby SSSI and ancient woodlands
 - The development is likely to affect or destroy sensitive habitats

- The proposed hedge along the bridleway boundary would block views
- Concerns with the ecology report and potential impact on protected species
- Construction vehicles for the development would create traffic congestion and could endanger walkers and cyclists using the lane
- The development would increase traffic entering and exiting Stone Street Road increasing the risk of accidents
- Fire vehicle access requirements would create more built form

5.8 The comments in support of the scheme are summarised as follows:

- The dwelling would replace an unsightly building that would enhance the AONB and be in keeping with the village setting
- The ridge height should preferably be no higher than the existing building

6. Determining Issues:

6.1 Members should be aware of a previous application (TM/14/01695/FL) for the 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 which was refused by the Local Planning Authority under delegated powers and subsequently dismissed at Appeal by the Planning Inspectorate in March 2015. The reasons for refusal in that case were:

- *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 Planning Inspector for this case concluded that the urban built form of the development would not safeguard the countryside from encroachment and therefore was inappropriate development in the Green Belt. The Inspector also concluded that the proposal would constitute an isolated dwelling in the countryside; the scale and form of the development would be incongruous and urbanising in the rural location; and the 70m long driveway through the cobnut orchard would be an urbanising feature; and that these proposals would have an adverse effect on the character and appearance of the countryside and AONB.

6.3 These previous cases and decisions are material considerations in the assessment of this current scheme.

- 6.4 It should be noted that this scheme is fundamentally different to the scheme refused by the Area 2 Planning Committee under reference TM/16/00776/FL and to that proposed under the current scheme under reference TM/17/01268/FL, which relate to the reuse of the existing building.
- 6.5 The main issues are whether the proposal would be inappropriate development in the Green Belt and, if so, whether any very special circumstances are demonstrated which outweigh the harm arising; whether the new dwelling would be sustainable development in the rural area; whether the new dwelling would affect the character and appearance of the area; and whether the development would affect the visual amenity of the broader rural locality, the adjacent PROW, local ecology or neighbouring amenity.
- 6.6 Members should note that since the previous applications for this site were determined it has been confirmed that the Council can now no longer demonstrate a five year supply of deliverable housing sites.
- 6.7 Paragraph 49 of the NPPF advises that “housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”
- 6.8 Paragraph 14 of the NPPF thus advises that for decision taking the presumption in favour of sustainable development means approving development proposals that would accord with the development plan without delay; and where relevant development plan policies are out-of-date, planning permission should be granted unless:-
- (i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
 - (ii) specific policies in the Framework indicate development should be restricted (reference is made to footnote 9); insofar as they relate to this site, the restrictive policies govern matters of development in the Green Belt, AONB and SSSI designations.

Development in the Green Belt:

- 6.9 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).
- 6.10 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.*”

- 6.11 Paragraph 88 follows stating that *“when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”*.
- 6.12 Paragraph 89 of the NPPF advises that the construction of new buildings should be regarded as inappropriate in the Green Belt. However, a number of exceptions are specified, including the *“limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.”*
- 6.13 ‘Previously developed land’ (PDL) is defined in Annex 2: Glossary to the NPPF as *“land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure”*. In line with this definition, the application site is considered to be PDL.
- 6.14 The existing riding arena building provides a footprint area of 925m² and volume of some 5150m³. It also provides a total building height of about 7m. The proposed dwelling provides an estimated footprint of about 215m² and volume of 1700m³. The ridge height of the new building will be 8.5m. The proposed new dwelling would therefore be significantly smaller in size and scale than the existing building. It will also be positioned within the footprint of the existing building and will move the built form closer to the built form of Barnfield Cottage, reducing the spread of built development from what currently exists. Notwithstanding the new dwelling would be taller than the existing building, it would clearly result in a significant improvement to the openness of the Green Belt as a result of its far reduced footprint, scale and bulk. As such, the new building is not considered to amount to inappropriate development within the Green Belt.
- 6.15 The proposed hard surfacing to provide a parking and turning area and extension to the main access drive is considered to be relatively modest.
- 6.16 The proposed domestic curtilage (to be defined by hedges) would be appropriately confined in its size.
- 6.17 I have therefore considered that the development would not result in a greater impact on the openness than the existing development, or result in any significant encroachment into the countryside. The proposal would therefore not be inappropriate development and as such would not conflict with the requirements of Policy CP3 of the TMBCS or paragraphs 80 and 87-89 of the NPPF.

AONB:

- 6.18 Policy CP7 of the TMBCS advises that development which would be detrimental to the natural beauty and quiet enjoyment of the AONB, including landscape, wildlife and geological interest, will not be permitted other than in exceptional circumstances. Paragraph 115 of the NPPF also advises that great weight should be given to conserving landscape and scenic beauty in AONBs.
- 6.19 The new dwelling is considered to be in keeping with the size and scale of other dwellings in the area and overall would, in my view, enhance the appearance of the site. Although the new residential use would bring some additional 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. The proposal would therefore not conflict with Policy CP7 of the TMBCS or paragraph 115 of the NPPF.

SSSI:

- 6.20 Policy CP8 of the TMBCS advises that development that would directly, indirectly or cumulatively cause material harm to the scientific or nature conservation interest of a SSSI will not be permitted. Paragraph 118 of the NPPF states that development within or outside a SSSI that is likely to have an adverse effect on a SSSI should not normally be permitted.
- 6.21 The submitted Extended Phase 1 Habitat Survey and Bat Building Survey report advises that there is no aerial connectivity between the Oldbury and Seal Chart SSSI and the former cobnut orchard to the north of the site and that terrestrial connectivity is interrupted by Stone Street Road and therefore the SSSI would not be impacted by the proposed development. This advice is consistent with comments from Natural England who have advised that the development “will not damage or destroy the interest features for which Oldbury and Seal Chart has been notified.” Accordingly, the proposal would not conflict with Policy CP8 of the TMBCS or paragraph 118 of the NPPF
- 6.22 In light of the above assessment, it is concluded that the specific policies outlined in the footnote to paragraph 14 of the NPPF would not restrict development in this case. The presumption in favour of sustainable development therefore re-emerges and can be considered as per the following.

Development in Rural Areas:

- 6.23 Policy CP14 of the TMBCS restricts development in the countryside to specific development listed in the policy to ensure that most development is concentrated in or adjoining existing built up areas. The erection of a new house is not listed and therefore the proposal would be contrary to this policy. However, less weight can be given to this policy as the Council cannot show a 5 year supply of deliverable housing sites and this policy restricts development in areas outside of

designated settlement areas that could ordinarily be required to boost housing supply.

- 6.24 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.
- 6.25 The previous report for this site that went before the committee under planning reference TM/16/00776/FL stated that the “new dwelling would be isolated in that it would be outside of any nearby settlement”. It is also noted that the Planning Inspector in their decision on the scheme under planning reference TM/14/01695/FL advised that the dwelling proposed in that case would be isolated. However, since the determination of these two previous applications, a judgment has been handed down by the Court of Appeal (*Braintree DC v SSCLG* [2018] EWCA Civ. 610) that provides clarification on paragraph 55 of the NPPF.
- 6.26 LJ Lindblom advised in this judgment that the wording of the policy “*simply differentiates between the development of housing within a settlement – or village – and new dwellings that would be isolated in the sense of being separate or remote from a settlement.*” He further stated that when taken in its particular context within the policy “*the word ‘isolated’ in the phrase ‘isolated homes in the countryside’ simply connotes a dwelling that is physically separate or remote from a settlement.*”
- 6.27 LJ Lindbolm advised further that “*it is not said that a settlement or development boundary must have been fixed in an adopted or emerging local plan, or that only the land and buildings within that settlement or development boundary will constitute the settlement [and that] ... a settlement would not necessarily exclude a hamlet or a cluster of dwellings, without, for example, a shop or post office of its own, or a school or community hall or a public house nearby, or public transport within easy reach. Whether, in a particular case, a group of dwellings constitutes a settlement, or a “village”, for the purposes of the policy will again be a matter of fact and planning judgment for the decision-maker.*”
- 6.28 He further confirmed that “*the restriction of an ‘isolated home’ to one that is isolated from services and facilities would deny policy support to a rural home that could contribute to social sustainability because of its proximity to other homes.*”
- 6.29 In this case, although Ivy Hatch does not have a defined settlement boundary, the new dwelling would be located in close proximity to other residential properties that provide a series of residential properties that extend out from the centre of Ivy Hatch (The Plough Public House) along both sides of Stone Street Road. I therefore consider these residential properties form part of the local settlement/hamlet and community of Ivy Hatch and that the new dwelling would not be remote from these properties. The proposal would thus provide a new

dwelling that would contribute to the vitality of the local rural community. As such, I do not consider that the proposal would conflict with paragraph 55 of the NPPF.

Character, Landscape and Visual Amenity:

- 6.30 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.
- 6.31 The dwelling is considered to be of a high quality design that is traditional in its form, detailing and use of materials. The size and scale of the building would not be out of the character with the dwellings in the surrounding area. It would also be situated on land that is substantially lower than the surrounding dwellings, including Barnfield Cottage. The retained trees and additional landscaping would also assist in screening and visually separating the dwelling from Barnfield Cottage. I am therefore satisfied that the new dwelling proposed would be appropriate for its rural setting and would not harm the character of the area.
- 6.32 The scheme provides substantial hedgerow and tree planting as part of landscape and ecology enhancements. Native hedgerows are to be planted to provide a defined domestic curtilage for the dwelling as well as along the western boundary with the public bridleway which will assist in screening the development from the bridleway. A large number of trees are to be planted around the curtilage to provide a landscaped buffer between the dwelling and the adjacent dormant cobnut orchard to the northwest. The garden area is to be planted out with meadow and flowering lawn mixtures. These landscaping proposals would provide visual improvements to the site. Details of hard landscaping can be secured by condition.
- 6.33 The existing vehicular access serving Barnfield Cottage will be used to provide access to the new dwelling. Only a small amount of additional access road is required to service the new dwelling. The parking area is also well sited between the dwelling and the built form of Barnfield Cottage. The amount of hard surfacing required is therefore considered to be modest overall and acceptable in character terms.
- 6.34 A Tree Survey has been submitted (prepared by Tree Craft – dated May 2017). The survey report assesses the trees on the site and their suitability for retention in light of the development proposed under planning reference TM/17/01268/FL for the conversion of the existing building. The report indicates that 37 trees have been assessed as category 'C' (Trees of low quality), of which 4 are to be removed. Twenty four (24) trees have been assessed as category 'U' (Trees unsuitable for retention), of which 21 trees are to be removed. The other 36 trees are to be retained. It has been advised that the majority of the trees to be

removed are growing in a precarious location on a steep bank between the building and the sand school which has significantly compromised their structural integrity and suitability for retention. I do not consider the removal of the trees proposed would adversely affect the visual amenity of the area. An addendum to this report has been submitted with this application (also prepared by Tree Craft - dated 9 February 2018). The addendum confirms that this scheme for a new dwelling would sit within the footprint of the existing building where the trees are to be removed and therefore there would be no additional arboricultural impact.

- 6.35 I note that concerns have been raised about the potential impact of the proposal on views from the public bridleway. It is acknowledged that the dwelling would be visible from the bridleway. However, it would be set 15m further away from the bridleway compared to the existing building and I consider its overall appearance to be much more sympathetic to the rural setting. Furthermore, hedging and tree plantings would provide a good level of screening once established.
- 6.36 Accordingly, I do not consider that the proposed development would harm the appearance or character of the area or the visual amenity of the rural locality and would therefore satisfy Policies CP24 of the TMBCS and SQ1 of the MDE DPD and Part 7 of the NPPF requiring good design.

Ecology:

- 6.37 A revised Extended Phase 1 Habitat and Bat Building Survey (prepared by Corylus Ecology – dated 15th February 2018) has been submitted that provides an updated survey of the habitats on the site and surrounding area and an assessment of the potential of the site to support protected species. A bat survey was also undertaken.
- 6.38 The report concludes that there is no potential for bat roosts in the building and no evidence of barn owls. The habitat enhancements proposed would be adequate to mitigate for the loss of a small and infrequently used bat feeding perch. No field evidence of bat presence was found. One tree with the potential for a bat roost was noted where a further bat survey is recommended if works are proposed to this tree. Pruning is recommended for this tree in the Tree Survey report. A condition can be added requiring a further bat survey.
- 6.39 The report also advises that the habitat on the site is not suitable for reptiles, there is no habitat for dormice and the likelihood of the presence of amphibians, including great crested newts, is very low. The trees and existing building have the potential for breeding birds but recommendations have been provided in the case of works being undertaken during the breeding season. No badger setts were identified on the site or within 40m of the site but the site may be used by badgers for foraging. The report recommends that an updated badger survey is undertaken prior to commencement of any works to assess any change in the use of the site by badgers. This can be required by condition.

- 6.40 An ecological enhancement strategy has been proposed including a generous scheme for native planting to create a new ecological habitat corridor that will benefit species including badger, dormice and hedgehogs and will provide habitats for invertebrates and birds.
- 6.41 It is noted that KWT have no objection to the scheme as it is considered that the opportunity to buffer the wildlife corridor along the southwest boundary of the site from the effects of the new dwelling have been satisfactorily taken. In light of this, I am satisfied that the development would not negatively impact on protected species or adversely affect biodiversity or habitats in the immediate area. External lighting can be controlled by the imposition of an appropriate planning condition.
- 6.42 The development would therefore not conflict with Policies NE2 and NE3 of the MDE DPD or paragraph 109 and 118 of the NPPF.

Parking/Highways/PROW:

- 6.43 A car parking area has been provided adjacent to the east side of the dwelling which will provide adequate parking and turning for the development. The traffic generated by one additional dwelling would not be significant and the development will utilise the existing access to Stone Street Road which is considered to be of a high standard with gates set well back from the highway.
- 6.44 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. An informative can be added to this effect.
- 6.45 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 and would allow for such vehicles to turn around.
- 6.46 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 which is the test in the NPPF. The proposal therefore accords with Policy SQ8 of the MDE DPD and paragraph 32 of the NPPF.

Other material considerations:

- 6.47 As a large area of the current footprint of the existing structure is proposed as the new residential garden, appropriate conditions will be required to ensure that there is no contaminated made ground beneath the building. It has also been noted that the existing building is clad in asbestos sheeting. An informative relating to asbestos will also be added. The development would therefore accord with paragraphs 120-121 of the NPPF.

- 6.48 Given the position of the building within the site and its distance from the nearest residential properties, there would be no adverse impact on neighbouring residential amenity arising from the proposal.
- 6.49 A package treatment plant has been specified for foul water disposal but the first preference is for connection to the mains sewer especially as the site is partially within a Groundwater Source Protection Zone, so a condition will be imposed accordingly. There are no objections to a soakaway being used for surface water disposal.
- 6.50 In order to safeguard the openness of the Green Belt it is considered necessary and reasonable to remove permitted development rights relating to extensions to the dwelling, erection of outbuildings and fences and creation of any new vehicular access.

Conclusions/Planning Balance:

- 6.51 The proposal would improve openness and would not result in countryside encroachment. The new dwelling would also not be an isolated home in a rural area and would contribute to the vitality of the rural settlement/community of Ivy Hatch. The new dwelling is of a size, scale and design that would provide an appearance that is sympathetic to the established dwellings in the rural area and the development minimises the need for additional hard surfacing by using the existing access for Barnfield Cottage. A scheme for the provision of landscaping and ecological enhancements has also been proposed that will benefit both the visual amenity of the area and the local ecology and biodiversity.
- 6.52 I also consider that the scheme now addresses the key concerns raised by the Planning Inspector under the previously dismissed appeal (TM/14/01695/FL) relating to the character and visual amenity of the rural area and encroachment into the countryside.
- 6.53 Although the development would be contrary to Policy CP14 of the TMBCS, less weight is now to be given to this policy. As established above, when assessed against the NPPF as a whole, I do not consider that the development would give rise to any adverse harm that would significantly and demonstrably outweigh its benefits. Accordingly, approval is recommended.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Site Plan 202 P3 received 19.02.2018, Location Plan 201 P3 + Block Plan received 19.02.2018, Proposed Elevations 205 P5 received 19.02.2018, Proposed Floor Plans 206 P8 received 19.02.2018, Roof Plan 207 P2 received 19.02.2018, Cross Section 208 P7 received 19.02.2018, Existing Elevations 209 P1 received 19.02.2018, Photographs 211 P1 received 19.02.2018, Landscape Layout DHA/11917/01 received 19.02.2018, Planning, Design And Access

Statement received 19.02.2018, Arboricultural Survey received 19.02.2018, Letter Addendum Arboricultural received 19.02.2018, Ecological Assessment 17021 received 19.02.2018, Letter DHA received 19.02.2018, Letter Pre-application received 19.02.2018, 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 Prior to commencement of the construction of the dwelling, a plan showing the proposed finished floor level of the dwelling and finished ground levels in relation to the existing levels of the site shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

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

- 3 Prior to commencement of the construction of the dwelling, details and samples of all materials to be used externally shall be 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.

- 4 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, B, C and E of Part 1 and Classes A-B 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 and character of the area, openness of the Green Belt and local ecology.

- 5 The dwelling shall not be occupied, until the areas shown on the submitted layout as new access, parking and turning area 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.

- 6 Prior to first occupation of the dwelling, the existing building, sand school and hardstanding shown to be removed on Block Plan (Drawing No.201 P3) hereby approved shall, along with all arisings therefrom, be removed from the site and the land made good.

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

- 7 The scheme of landscaping and ecological enhancements shown on Drawing No.DHA/11917/01 hereby approved shall be carried out in the first planting season following occupation of the dwelling or the completion of the development, whichever is the earlier. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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 the biodiversity of the area.

- 8 Prior to first occupation of the dwelling, a scheme of hard landscaping and boundary treatment shall be 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.

- 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, other than those specified for removal in the approved Tree Survey (Tree Craft Ltd, May 2017) 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.

- 10 The development shall be carried out in accordance with the recommendations set out in Section 4.0 'Evaluation and Recommendations' and Section 5.0 'Ecological Enhancement Strategy' of the submitted Extended Phase 1 Habitat Survey and Bat Building Survey Report (15th February 2018) prepared by Corylus Ecology.

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

- 11 Prior to the commencement of the development, updated bat and badger surveys, in accordance with the recommendations in the Extended Phase 1 Habitat Survey and Bat Building Survey Report (15th February 2018) prepared by Corylus Ecology, shall be submitted to and approved by the Local Planning Authority. The development shall be undertaken in strict accordance with the approved surveys, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that protected species on the site are adequately protected.

- 12 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 and protected species.

- 13 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.

- 14 No development shall be commenced until the following have been submitted to and approved by the Local Planning Authority:

(a) A contaminated land desktop study identifying all previous site uses, potential contaminants associated with those uses including a survey of the condition of any existing building(s), a conceptual model of the site indicating sources, pathways and receptors and any potentially unacceptable risks arising from contamination at the site;

(b) Based on the findings of the desktop study, proposals for a site investigation scheme that will provide information for an assessment of the risk to all receptors that may be affected including those off site. The site investigation scheme should also include details of any site clearance, ground investigations or site survey work that may be required to allow for intrusive investigations to be undertaken.

If, in seeking to comply with the terms of this condition, reliance is made on studies or assessments prepared as part of the substantive application for planning permission, these documents should be clearly identified and cross-referenced in the submission of the details pursuant to this condition.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

15 No development shall take place other than as required as part of any relevant approved site investigation works until the following have been submitted to and approved by the Local Planning Authority:

a) Results of the site investigations (including any necessary intrusive investigations) and a risk assessment of the degree and nature of any contamination on site and the impact on human health, controlled waters and the wider environment. These results shall include a detailed remediation method statement informed by the site investigation results and associated risk assessment, which details how the site will be made suitable for its approved end use through removal or mitigation measures. The method statement must include details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended).

The submitted scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority in writing of the presence of any such unforeseen contamination along with a timetable of works to be undertaken to make the site suitable for its approved end use.

(b) Prior to the commencement of the development the relevant approved remediation scheme shall be carried out as approved. The Local Planning Authority should be given a minimum of two weeks written notification of the commencement of the remediation scheme works.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

- 16 Following completion of the approved remediation strategy, and prior to the first occupation of the development, a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the remediation scheme at above and below ground level shall be submitted for the information of the Local Planning Authority.

The report shall be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Where it is identified that further remediation works are necessary, details and a timetable of those works shall be submitted to the Local Planning Authority for written approval and shall be fully implemented as approved.

Thereafter, no works shall take place such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

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. 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 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.
- 7 It has been stated in the application details that asbestos containing materials are known to be present in the existing 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>.
- 8 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.
- 9 It is recommended that the hedgerow adjacent to the bridleway 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