

**Shipbourne (A) TM/17/03471/FL**  
**Borough Green And (B) TM/17/03472/LB**  
**Long Mill**

**(A) Sub-division of existing site containing one Grade II-listed dwelling, one Grade II-listed barn and one oast house into three self-contained plots with Grade II- listed barn and oast house converted into dwelling.**

**(B) Listed Building Application: Sub-division of existing site containing one Grade II-listed dwelling, one Grade II-listed barn and one Oast house into three self-contained plots with Grade II- listed barn and Oast house converted into dwellings**

DPHEH: The Members Site Inspection took place on 06 November and enabled those in attendance to view the site, the buildings to be converted and the surrounding context.

One aspect of the scheme that Members considered in some detail during the course of the inspection was the creation of the new vehicular access onto Mote Road and the engineering operations required to create that access, which was proposed to serve Great Budds and the Oast. The access road as proposed was shown to lead from Mote Road directly across the landscaped gardens that form the existing residential curtilage, forking in two directions to lead to each of the units. These gardens are extensive grounds containing mature landscaping which clearly contributes to the setting of the listed buildings and more generally to the rural character of the locality. Question was raised as to the impact of the access roads in terms of the openness of the Green Belt and visual amenities with particular reference to the setting of the listed buildings and rural character in respect of:

- The amount and type of hardstanding across a large extent of the landscaped gardens;
- Levels and gradient of the land, particularly in connection with the western loop leading to the Oast;
- Potential for subsequent introduction of fencing, lighting and other domestic paraphernalia.

As a result of the concerns raised in these respects, officers took the opportunity to liaise with the agent with a view to securing amendments to the scheme and as a result, the proposed new access onto Mote Road and the proposed new drives shown to serve Great Budds and the Oast have now been **omitted entirely from the scheme**. The proposal

now involves utilisation of the existing access along the north-eastern boundary of the site for all three dwellings.

The existing courtyard between the main house and buildings for conversion will be utilised as a parking area for Great Budds and the Oast, with the car barn building still to be retained to serve these dwellings, with the modifications to subdivide it in the way previously proposed no longer required.

The parking arrangements to serve the converted barn remain unchanged as a result of these amendments.

It is on this basis that the Committee will now need to make its decision. In my view, this successfully overcomes the concerns that were raised in this respect and equally no new issues arise as a result of this amendment.

There was also some consideration given to the types of boundary treatments proposed to facilitate the subdivision of the plot and question was raised to the type of treatments to be used in some instances. Overall, it is clear from the submission that rural, low level boundary treatments are proposed predominately through the use of post and rail fencing, which is entirely appropriate to this location. Further details will be secured through planning condition [2].

Members also questioned the position of the byway relative to the application site and the extent of the applicant's land ownership. The Council does not hold records of land ownership but can confirm that KCC have not raised any objection to the scheme in connection with any impact on public rights of way. Members took the opportunity to note that fences and gates in situ along the north-eastern boundary might be in conflict with legislation governing such rights of way. These are pre-existing installations that have no direct bearing on the scheme under consideration but it is recognised that there is the potential for some degree of overlap given that the recommendation includes a requirement for a landscaping scheme to be provided. Whilst any landscaping scheme that came forward could not be resisted in the event that there appeared to be conflict with the right of way, officers have taken the opportunity to reword the condition [2] and informative [1] to make clear that it would be in the applicant's best interests to ensure that there is no such conflict arising. In addition, any landscaping scheme submitted would be subject to reasonable consultation with KCC in this respect.

The site inspection also afforded Members the opportunity to inspect the interior of the listed barn which is undoubtedly a very impressive structure, with much of its historic fabric still intact and to be retained through the scheme for conversion. The recommendation contained within the main report (page 14 onwards) contains a suite of conditions to ensure that the technical details of all physical aspects of the conversion works are suitably controlled and come forward in a sensitive manner and acceptable manner.

Within the above context, officers have also taken the opportunity to consider the imposition of further conditions including the removal of permitted development rights to prevent areas of hardstanding being introduced within the newly created curtilages in an unacceptable manner along with restrictions on external lighting in the car parking and garden areas in the interests of rural amenity.

(A)TM/17/03471/FL:

#### **AMENDED RECOMMENDATION:**

Plans cited to be amended as follows:

- Site Plan 003 P1 replaced by Site Plan 003 P2;
- Part Site Plan 004 P1 to be referenced.

#### **Amend Condition 2:**

**2. The residential use of the barn or Oast shall not be commenced a scheme of hard and soft landscaping and boundary treatment shall be submitted to and approved by the Local Planning Authority. The scheme shall include a plan which denotes the extent (length and width) of the public right of way across the application site, any measures proposed to differentiate this from the remainder of the site whilst ensuring it remains available for use at all times. 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: In the interests of visual and rural amenity.**

#### **Additional Conditions 6, 7, 8 and 9:**

**6. No external lighting shall be installed on the dwellings hereby approved or within the associated residential curtilages or parking areas as laid out on drawing number 003 P2 received on 7.11.2018.**

**Reason: In the interests of rural amenity**

**7. The residential use of the barn or Oast shall not be commenced until the area shown on drawing number 004 P1 received on 7.11.2018 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 2015 (or any order amending, revoking or 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: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking and in the interests of rural amenity.

8. 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 (inclusive), of Part 1; of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: In the interests of rural amenity.

9. The outbuildings identified on plan number 004 P1 received on 7.11.2018 shall be used only for purposes incidental to the enjoyment of the related dwellinghouse and no trade or business shall be carried out therefrom.

Reason: To safeguard the amenities and interests of the occupants of other properties and in the interests of rural amenity.

Amend Informative 1:

1. In seeking to meet the requirements of Condition 2, the applicant is reminded that no gates should be installed on a Restricted Byway and no vehicles should be parked in a way to obstruct legitimate users of the byway. The submitted landscaping scheme should therefore have full regard to this requirement to avoid any future conflicts arising.

(B)TM/17/03472/LB:

**RECOMMENDATION REMAINS UNCHANGED**

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**West Malling**                      **TM/18/01755/FL**  
**West Malling And Leybourne**

**Erection of a detached 2 storey dwelling to the rear of 61 Offham Road West Malling**

Paragraph 5.3: KFRS stated in their representations that insufficient information had initially been provided regarding the access to allow for them to comment on the scheme

at that time. Amended plans were subsequently received which show the full extent of the access in detail, including widening, but to date no further representations have been received from KFRS. The minimum width required for access is 3.7m and at its narrowest points, the proposed access complies with this requirement. It should also be noted that the access is already in situ in its current form and serves existing properties. In any event, the applicant will be advised through standardised text included within the decision notice of the need to comply with separate legislation under the Buildings Regulations in this regard.

## **RECOMMENDATION REMAINS UNCHANGED**

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**Shipbourne (A) TM/17/02705/FL**  
**Borough Green And (B) TM/18/01172/LB**  
**Long Mill**

**(A) Demolition of existing low brick side boundary wall and provision of a new hard-surfaced parking area in front garden with new picket fencing. Existing parking area to be returned to domestic garden and front boundary picket fence to be reinstated**

**(B) Listed Building Application: Demolition of existing low brick side boundary wall and provision of new picket fencing to facilitate new parking area in front garden at Butchers Cottage Stumble Hill Shipbourne Tonbridge**

Additional Information: Since publication of the main report, the agent has submitted a further statement which aims to summarise the reasons for the proposals and to explain the decision to opt for a picket fence in place of the existing combination of wall and fence. This is summarised as follows:

- The reason for moving the car parking area is because it is currently accessed via a private drive owned by Shipbourne House next door. The neighbours have been kind enough to allow access but this could be denied at any time. The new garage was built to house a classic car and one of the three other cars owned by the applicant's family. The Parish Council have suggested the parking area could be in the rear garden. This would not be acceptable to the applicant. The Parish Council have also expressed concern with the effect of the proposed hard standing on the street scene, when approaching from Stumble Hill. The same argument can be made of the existing parking arrangement when approaching Butchers Cottage from the opposite direction as well as from across the common, as can be seen from site photographs.
- The Conservation Officer stated that a white painted picket fence would be acceptable in place of the entire existing picket fence and dwarf wall. The applicant is keen to pursue this as much of the existing brick wall is in a poor state of repair having been

