

Trottiscliffe
Downs And Mereworth

25 July 2019

TM/19/01756/FL

Proposal: Demolition of existing domestic outbuildings and construction of two bungalows with ancillary areas and parking provision
Location: Mount Mead Ford Lane Trottiscliffe West Malling Kent ME19 5DP
Go to: [Recommendation](#)

1. Description:

- 1.1 It is proposed to demolish the existing ancillary buildings within the wider curtilage of the main host dwelling, and erect two detached residential dwellings, in the form of one 2-bed bungalow and one 4-bed chalet style house.
- 1.2 Plot 1, the bungalow, is laid out in a roughly L-Plan shape, with low ridge height and roof, two parking spaces and a modest garden to the rear.
- 1.3 Plot 2 is the chalet style bungalow with roof accommodation, pitched roof dormer windows and a front gable set with stone. The buildings are designed to be of comparable proportions to the existing buildings to be demolished, set within a landscaped garden area.
- 1.4 Parking is laid out for two space for each property in accordance with IGN3 standards, but more could likely be accommodated within the curtilages. The dwellings are reached via an existing shared access track from Ford Lane.

2. Reason for reporting to Committee:

- 2.1 At the request of Councillor Ann Kemp in order for the Committee to consider impacts on the Green Belt and AONB.

3. The Site:

- 3.1 The site is comprised of a large building, possibly once in agricultural use as a barn or store. The largest part of the building is brick built and has a dual pitched roof; it is joined to two other parts, lower in ridge height, of a corrugated steel frame construction with metal sheeting. The structure is dilapidated and unattractive in appearance; there are extensive areas of hardstanding in front of the building and the site generally has a neglected appearance.
- 3.2 The buildings are located at the end of a track leading from Ford Lane, outside of the settlement confines, within the Green Belt and AONB. To the east is a large reservoir largely screened from the site by intervening trees; to the west of the site is a residential dwelling and a Bowl Barrow, a Neolithic burial mound and scheduled ancient monument. The monument is sufficient distance from the

proposed development site to be unaffected. Although the M20 lies some distance to the south through woodland, the area has a strong rural character.

4. Planning History (relevant):

TM/01/02408/FL Refuse 22 October 2001

Demolition of existing redundant farm building and construction of dwelling

TM/79/10198/FUL grant with conditions 22 June 1979

Erection of single storey flat roofed extension to create a lounge.

TM/08/03722/FL Application Withdrawn 24 February 2009

First floor extension to side, single storey and double storey rear extension, extension over front porch, erection of garage and store, replacement entrance gates and new walls to front.

TM/09/00860/FL Approved 14 July 2009

First floor extension to side, single storey and double storey rear extension, extension over front porch

TM/11/01587/FL Approved 10 August 2011

Demolition of existing outbuilding and erection of detached garage

TM/11/03431/FL Refuse 8 February 2012

Erection of detached garage with hip gable to front

TM/12/01906/NMA Approved 21 June 2012

Non-Material Amendment to Planning Permission TM/11/01587/FL (Demolition of existing outbuilding and erection of detached garage) alteration to roof form

TM/12/03802/FL Approved 13 March 2013

Alterations to approved garage including variations to openings and external walls, length of roof slope and additional windows in the approved walls and approved roof plains (retrospective)

TM/18/00686/PDRA Application Withdrawn 22 March 2018

Notification of change of use of a building and peripheral land within its curtilage from a redundant agricultural use to a flexible use falling within Class B1 (offices) under the provisions of Schedule 2, Part 3 Class R (a) of this order
TM/18/02340/LDE Certifies 4 January 2019

Lawful Development Certificate Existing: Use of buildings and adjacent land for ancillary residential purposes

5. Consultees:

- 5.1 PC: Objects. Members see these outbuildings as barns and therefore consider that their demolition and the construction of two dwellings to be inappropriate development within the Green Belt.
- 5.2 Environmental Protection: The outbuildings to be demolished have been on this site since at least 1936, however very little of their history has been provided. Aerial photography of the site shows the ground around the outbuildings has been continuously disturbed and covered in debris for quite some time. I would therefore recommend conditions. Conditions also recommended in relation to noise.
- 5.3 Private Reps: site notice + 1/1X/0R/0S. 1 neutral comment received raising no material planning issues.

6. Determining Issues:

Green Belt:

- 6.1 The site lies within the Green Belt where Policy CP3 of the TMBCS advises that National Green Belt policy will apply (Section 13 of the NPPF). The aim of the Green Belt is to prevent urban sprawl by keeping land permanently open, with the essential characteristics of Green Belts being their openness and their permanence (paragraph 133 of the NPPF).
- 6.2 Paragraph 143 of the NPPF states that “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”
- 6.3 Paragraph 144 states 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”.
- 6.4 Paragraph 145 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 “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” and “the re-use of buildings provided that the buildings are of permanent and substantial construction, as long as the new use preserves its openness and does not conflict with the purposes of including land within it.”

- 6.5 Previously developed land 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*”. This excludes: land that is or was last occupied by agricultural or forestry buildings.
- 6.6 Under reference TM/18/02340/LDE the Council has already confirmed that the current lawful use of the buildings is for ancillary domestic purposes rather than agricultural as the PC asserts. As such, notwithstanding Parish Council comments, the building is neither in agricultural or forestry use and therefore constitutes previously developed land. As such, the site can be redeveloped for housing under paragraph 145 (g) of the NPPF, providing that it would not have a greater impact on the openness of the Green Belt than the existing development.
- 6.7 The existing building is bulky and substantial in size and, as it currently stands, has a detrimental impact on the openness of the Green Belt. The proposed development would demolish this structure and replace it with two modest buildings of comparable proportions. The bungalow is low in ridge height, reflecting the lower elements of the building, whilst the chalet bungalow has rooms set into the roof and reflects the taller brick built part of the structure. Furthermore detaching the replacement buildings would introduce separation between them and open up the site. It is important to remember that the “greater impact” test does not require the impact of the redevelopment to be exactly the same as the buildings it replaces providing that, as a matter of planning judgement, the decision maker is satisfied that the effect on the Green Belt’s openness would be no greater than what currently exists. It is considered that the proposal would achieve this, therefore does not constitute inappropriate development in the Green Belt with no greater harm to openness, in accordance with policy CP3 of the TMBCS and 145 (g) of the NPPF. As such, there is no requirement to apply the test as to whether or not very special circumstances exist in this instance.

AONB:

- 6.8 The site lies within the Kent Downs AONB. This designation affords protection in relation to landscape and scenic beauty, with the statutory purpose of AONBs being to conserve and enhance the natural beauty of the area. The designation means that the Borough Council has to have regard to the purpose of the designation in ‘exercising or performing any functions in relation to, or so as to affect, land’.
- 6.9 Policy CP7 of the TMBCS advises that development will not be permitted which would be detrimental to the natural beauty and quiet enjoyment of the AONB. This

is consistent with the aims of the NPPF at paragraph 172 which sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in any AONB.

- 6.10 The existing appearance of the structure is dilapidated with unsympathetic modern materials including corrugated metal sheeting roofs and yellow brick facing. Even in consideration of its likely former use as an agricultural building, it is unattractive and not reflective of traditional Kent vernacular.
- 6.11 In contrast the proposed development would achieve a good standard of design, with brick and stone facing. A high quality landscaping scheme can be secured by condition offering further improvement to the local landscape character. It is appreciated that the site is somewhat screened from wider landscaped views but nonetheless the proposal represents an opportunity to positively enhance the immediate character of the site. Buildings can and do improve the character of places when designs are sympathetic and respond appropriately to the context of the site. It is considered that the development achieves this and there is a small measure of localised enhancement to the character and appearance of the AONB. In accordance with paragraph 172 of the NPPF great weight is applied to this enhancement.
- 6.12 For the same reasons, I consider that the proposal would also accord with policies CP7 and CP24 of the TMBCS and SQ1 of the MDE DPD and paragraphs 127 and 130 of the NPPF that require good quality design in all new developments.

Neighbouring amenity:

- 6.13 The site is otherwise separated from the nearest neighbouring property and the proposed dwellings are sufficiently spaced to avoid compromising privacy or resulting in an overbearing or overshadowing effect. The development would provide suitable garden areas for amenity, and outlook and internal space would ensure suitable living conditions for future occupiers.

Ecology:

- 6.14 Policy NE3 of the MDE DPD requires development that would adversely affect biodiversity or the value of wildlife habitats across the Borough to only be permitted if appropriate mitigation and/or compensation measures are provided which would result in overall enhancement. This is broadly consistent with the aims of the NPPF at paragraph 175 that requires harm to biodiversity and protected species to be avoided.
- 6.15 The site lies in close proximity to a large reservoir and in the nearby area there are a number of ponds and waterways. The applicants provided an Ecology survey that identified a high probability of Great Crested Newts being present in and around the site during their terrestrial phases. No other harm is identified in relation to other protected species.

- 6.16 Following on from this the applicants submitted a Mitigation Strategy including measures for the management and retention of the proposed retained habitat to compensate for removal of the building that may contain newts.
- 6.17 The proposed measures are subject to first obtaining a license from Natural England, a legal requirement before any newts in or around the building can be relocated. Thereafter protective newt proof fencing will be deployed to ensure that the site is not accessible during the construction phase.
- 6.18 Subject to conditions ensuring these measures are carried out (with any variation as may be required by Natural England) it is considered that the development would not be harmful to protected species or their habitats. The development would therefore comply with policy NE3 of the MDEDPD and paragraph 175 of the NPPF.

Highway safety and parking provision:

- 6.19 The development proposes at least two parking spaces for each dwelling in line with adopted IGN3 standards, but more could comfortably be provided within the curtilage of each dwelling. The development would not attract any significant level of vehicle movements and there would be no unacceptable highways safety impacts, with the access to the dwellings already in existence. No conflict is identified with policy SQ8 of the MDE DPD.

Conclusions and the overall planning balance:

- 6.20 Tonbridge and Malling Borough Council cannot currently demonstrate a 5 year housing supply. In such circumstances paragraph 11 of the NPPF sets out that the presumption in favour of sustainable development applies and the provision of new housing carries significant weight. This presumption is only disengaged if the application of specified restrictive policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (in this case Green Belt and AONB policies). The application of these policies, as set out in the preceding assessment provide no clear reason to refuse.
- 6.21 In such circumstances, paragraph 11d (ii) of the NPPF applies and sets out that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole. Again, the preceding assessment concludes that no such harm arises as a result of this scheme.
- 6.22 In light of the above, it is recommended that planning permission be granted.

7. Recommendation:

- 7.1 **Grant planning permission** in accordance with the following submitted details:
Proposed Plans P002D dated 03.09.2019, Proposed Plans and Elevations

P003D dated 03.09.2019, Proposed Plans and Elevations P004D dated 03.09.2019, Ecological Assessment Amphibian & Reptile dated 18.09.2019, Planning Statement dated 25.07.2019, Ecological Assessment dated 25.07.2019, Supporting Information dated 25.07.2019, Location Plan P001C dated 25.07.2019, Existing Plans and Elevations P010A dated 25.07.2019, 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 above ground work shall take place until details of all materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

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

- 3 The dwellings hereby approved shall not be occupied until the area shown on the submitted layout for a 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 and re-enacting that Order) shall be carried out on the land so shown (other than the erection of a garage or garages) or in such a position as to preclude vehicular access to this reserved parking space.

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

- 4 Before the development hereby approved is occupied a scheme of landscaping and boundary treatment shall be submitted to and approved by the Local Planning Authority. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following 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: 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 locality.

- 5 The development shall be constructed at the level indicated on the approved drawing.

Reason: In the interests of amenity and privacy.

- 6 The development shall be carried out in accordance with the recommendations in the submitted Preliminary Ecological Appraisal dated 3rd July 2018 / Ref No 2018/04/18 and the Reptile and Amphibian Mitigation Strategy 17th September 2019 / Ref No 2018/04/18

Reason: To ensure the development proceeds with regard to protected species and provides a net gain to biodiversity.

Informatives:

- 1 The Borough Council will need to create new street name(s) for this development together with a new street numbering scheme. To discuss the arrangements for the allocation of new street names and numbers you are asked to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to 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 properties are ready for occupation.

Contact: Adem Mehmet