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**Offham**  
East Malling West Malling  
And Offham

**28 MAY 2025**

**TM/24/01900/PA**

**Location:** Stocketts, Aldon Lane, Offham, West Malling ME19 5PH

**Proposal:** Demolition of existing dwelling, garage and former stables and erection of a new self build replacement detached dwelling (for the owners own personal use - custom build).

**Go to:** [Recommendation](#)

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### **1. Description of Proposal:**

- 1.1 Planning permission is sought for the demolition of the existing dwelling, garage and former stables and the erection of a replacement detached dwelling.
- 1.2 The existing main house, large garage with accommodation over and stables are proposed to be removed. The planning statement also sets out that a series of static mobiles are also proposed to be removed, however as these are not permanent buildings the Council has not taken the removal of the static mobiles into account in the assessment of the application.
- 1.3 The proposed dwelling when approaching from the access would appear as a three storey dwelling with the uppermost level of accommodation within the roof slope served by modest dormer windows. From the rear the dwelling would appear as two storey with the upper level of accommodation within the roof slope.

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

- 2.1 This application is referred to Committee by Councillor Trudy Dene on the grounds that the moving of the house into the Green Belt is an important change.

### **3. The Site:**

- 3.1 Stocketts is a detached two storey dwelling with dormers to the north and south facing elevation, set adjacent to the northern boundary of an irregular shaped plot. The site is located south-east of Aldon Lane, north-west of Offham and east of Wrotham Heath. To the northeast of the main dwelling is a large ancillary domestic outbuilding used for car parking and additional ancillary accommodation.
- 3.2 The site lies outside the settlement confines of Offham Village, within the Countryside and Metropolitan Green Belt. A small section of the access falls just within the Aldon Offham Conservation Area.

- 3.3 There is also a Tree Preservation Order on the site relating to a horse chestnut tree located at the beginning of the access. A public right of way marks the eastern boundary.

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

24/00209/PA - under consideration

Removal of small section of modern boundary wall and enlargement of driveway to allow vehicle maneuvering.

24/00913/PA - Approved - 07 August 2024

Details of Condition 2 (Materials) and 6 (soft landscaping) submitted pursuant to planning permission TM/23/03246/HH (Erection of a garage and home gym incidental to the main dwelling and creation of hardstanding (alternative to 23/01907/LDP))

23/03383 - Refuse - 16 February 2024

Remodeling and realignment of the existing access to allow vehicles to enter from the east, including replacement of the existing frontage wall and erection of new railings and electric gates

23/03246 - Approved - 26 January 2024

Erection of a garage and home gym incidental to the main dwelling and creation of hardstanding (alternative to 23/01907/LDP)

23/01907/LDP - Certifies - 02 November 2023

Lawful Development Certificate Proposed: Erection of a garage and home gym incidental to the main dwelling and creation of small additional driveway to provide vehicle maneuvering

23/01228/LDP - Refuse - 27 July 2023

Lawful Development Certificate Proposed: Erection of a detached garage incidental to the main dwelling and driveway to provide vehicle access (Resubmission of TM/23/00920/LDP)

23/00920/LDP - Refuse - 15 June 2023

Lawful Development Certificate Proposed: Erection of a detached garage incidental to the main dwelling and driveway to provide vehicle access

19/02769/FL - Approved - 16 January 2020

New two storey front residential extension

19/00705/FL - Approved - 10 May 2019

Single storey side extension with 2 no. four leaf bi-folding doors and 2 no. flat rooflights

**5. Consultees:**

**5.1 Offham Parish Council:**

The Parish Council has had the opportunity to discuss this application. Parish Councillors do not object but have a number of concerns to raise.

1. The applicant has gained as much square footage as possible via LDC and utilising existing outbuildings before applying for a large property to be built. The proposed property is over 3 times the size of the current property.
2. The proposal is to move the footprint of the property into the Green Belt. The Parish Council is very concerned about building taking place on the Green Belt.
3. There needs to be a detailed Landscaping Plan and an Ecology Report needs to be provided. There are known to be bats in the area so that survey is also required.
4. There must be a condition of any consent that a Construction Management Plan is provided. Aldon Lane is a narrow lane with a bridge, and traffic movements need to be well managed.
5. The rear elevation of the proposed property will be seen from Aldon Lane and it is not reflective of the Conservation Area that it abuts. The materials and design of the property should reflect the local environment and the Conservation Area.
6. Stocketts has been the subject of a number of planning applications over the past 18 months. Councillors want a condition imposed to say that the existing house should be demolished first before the new house is built. There are concerns that if the existing house is allowed to stand, there will then be a future application to retain it.

## 5.2 **Environmental Health Protection:** Response dated 9 January 2025

### *Drainage:*

The Applicant has indicated that an existing Package Treatment Plant (PTP) is to be used for the foul water drainage for this proposal. However, no information appears to have been supplied as to the adequacy of the existing system. This needs to be provided from a competent person. This proposal would also present a good opportunity for connection to the mains sewerage system (which is the preferred option for developments). The Applicant should be encouraged to liaise with Southern Water as to the closest such Public Sewer and where possible, connect into it in preference to a PTP.

### *Noise:*

There is insufficient information provided by the Applicant to enable me to fully comment with respect to noise at the proposed.

I would recommend that a Condition be included with any approval requiring the applicant to submit a noise report detailing the current noise climate at the proposed

site due to the close proximity of the Railway. The report should consider the levels cited in BS8233:2014, namely:

1. for gardens and other outdoor spaces, in particular those in para 7.7.3.2 which states a desirable limit of 50dB LAeq,16-hour, and a maximum upper limit of 55dB LAeq,16-hour; and
2. to at least secure internal noise levels no greater than 30dB LAeq, 8-hr (night) and 35dB LAeq, 16-hr (day) in bedrooms, 35dB LAeq, 16-hr (day) in living rooms and 40dB LAeq, 16-hr (day) in dining rooms/areas (ref para 7.7.2). Particular attention is drawn to the notes accompanying Table 4 in para 7.7.2 and that these levels need to be achieved with windows at least partially open, unless satisfactory alternative means of ventilation is to be provided.

The Applicant's attention is also drawn to the ProPG on Planning and Noise issued by the Association of Noise Consultants (ANC), the Institute of Acoustics (IoA) & the Chartered Institute of Environmental Health (CIEH).

The report should also detail any mitigation/attenuation measure needed to attain the abovementioned levels. It is important that the applicant's noise assessment includes specific data and we will require these details for approval before any decision can be made. Specific details of any necessary noise insulation/attenuation requirements (e.g. acoustic glazing, acoustically screened mechanical ventilation, etc) will also need to be submitted for approval.

**Informatives.**

During the demolition and construction phases, the hours of noisy working (including deliveries) likely to affect nearby properties should be restricted to Monday to Friday 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no such work on Sundays or Public Holidays.

Although it would not be possible at this stage under Environmental Health legislation to prohibit the disposal of waste by incineration, the use of bonfires could lead to justified complaints from local residents. The disposal of demolition waste by incineration is also contrary to Waste Management Legislation. I would thus recommend that bonfires not be had at the site.

#### *Contaminated land*

Due to the age and number of buildings to be demolished, there is a potential for made ground to be present on site. I therefore recommend the following condition:

Watching brief

On the basis of available data and information, the site is not identified as a site of potential concern or any adjacent site.

To safeguard the situation in the event that significant deposits of made ground or indicators of potential contamination are discovered during development, I suggest the imposition of following conditions:

(a) If during development work, significant deposits of made ground or indicators of potential contamination are discovered, the work shall cease until an investigation/remediation strategy has been agreed with the Local Planning Authority and it shall thereafter be implemented by the developer.

(b) Any soils and other materials taken for disposal should be in accordance with the requirements of the Waste Management, Duty of Care Regulations. Any soil brought onsite should be clean and a soil chemical analysis shall be provided to verify imported soils are suitable for the proposed end use.

(c) A closure report shall be submitted by the developer relating to (a) and (b) above and other relevant issues and responses such as any pollution incident during the development.

Reason: In the interests of amenity and public safety

5.3 **Waste Service:** Standard guidance on bin sizes.

5.4 **KCC Heritage Conservation:** No comments received

5.5 **West Kent PROW:** Response dated 13 January 2024

I can confirm that I do not have any objections to the above planning application at Stocketts. Public Right of Way Footpath MR178 lays to the southeast of the site and should be unaffected by the application. I enclose a copy of the Public Rights of Way network map showing the line of the path for your information.

The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then this office will deal on the basis that:

- The applicant pays for the administration costs.
- The duration of the closure is kept to a minimum.
- Alternative routes will be provided for the duration of the closure.
- A minimum of six weeks notice is required to process any applications for temporary closures

This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on

the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

**5.6 Third Party Comments:** Three representations have been submitted and these are summarised below:

- Planning for a replacement dwelling in Metropolitan Green Belt is very well established. Primarily, a replacement dwelling must not be materially larger than the building intended to be replaced.
- The applicant intends to trade existing outbuildings off for additional volume including static caravans. How can mobile structures that have been situated for a short period of time be included to gain more volume.
- The intended dwelling is of significant distance from the footprint of the existing dwelling, harming the protected Green Belt area,
- The size of the proposed dwelling is out of character of the surrounding Conservation Area.
- The total size of the proposed dwelling brings concerns regarding its intended use, taking in to account the existing dwelling is currently being used daily as a children's nursery, bringing overwhelming traffic to Aldon Lane. If TMBC and the Parish Council think this application is fit for purpose, I would like to suggest that if the new planning application was successful there would be a condition in place where the property cannot be used as a business premises and only as a residence.
- We had anticipated that the existing house on this site might be replaced and so the application was expected, and we do not object to the location, general massing or materials proposed, and wish them well with the development. We note that the existing house is to be demolished as part of the work, and this new building and rear terrace is contained wholly within the plot and not on the rear paddock.
- On a matter of detail, the current revision of the Proposed Block Plan drawing does not agree with the left hand flank elevation on NPR/23/11/02: the plan shows a secondary drive from the east at lower ground level which is not reflected in the retaining structures shown on the elevation. As this is visible from the highway, we would appreciate clarification.
- Having reviewed the plans for the proposed development we are more than happy to give our full support of this application.

## **6. Relevant Policies and Determining Issues:**

6.1 Under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Local Planning Authority is required to determine planning applications and

other similar submissions in accordance with the Development Plan in force unless material considerations indicate otherwise.

- 6.2 The Development Plan currently in force for this area comprises the Tonbridge and Malling Local Development Framework Core Strategy (TMBCS) adopted in September 2007, the saved policies of the Tonbridge and Malling Borough Local Plan 1998 (TMBLP), Development Land Allocations DPD (DLA DPD) adopted in April 2008 and the Managing Development and the Environment DPD (MDE DPD) adopted April 2010.
- 6.3 The National Planning Policy Framework (“NPPF 2024”) the associated National Planning Practice Guidance (“NPPG”) and National Design Guide are important material considerations.

#### Principle of Development

- 6.4 The site lies within the Countryside and Metropolitan Green Belt, wherein Policy CP3 of the Core Strategy states that the Council will apply National Green Belt Policy.
- 6.5 Paragraph 153 of the NPPF (2024) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 adds that when considering any planning application, Local Planning Authorities (LPA) should ensure that substantial weight is given to any harm to the Green Belt. ‘Very Special Circumstances’ (VSC) will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 6.6 Paragraph 154 (NPPF) states, LPA’s should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this includes:
- d) The replacement of a building, provided the new building is in the same use and not ‘materially larger’ than the one it replaces; and
  - g) Limited infilling or the partial or complete redevelopment of previously developed land, (including a material change of use to residential or mixed use including residential) whether redundant or in continuing use (excluding temporary buildings) which would not cause substantial harm to the openness of the Green Belt.
- 6.7 In regard to criterion d), whilst the proposal would replace a building which is in the same use, the NPPF does not provide guidance on what is considered ‘materially larger’ nor does the LPA have a specific policy or adopted Supplementary Planning Guidance on this matter. Whether or not a replacement building is ‘materially larger’ is a matter of planning judgement, having regard to the particulars of a proposed development and the relevant site-specific circumstances.

- 6.8 Therefore, the test for 'materially larger' under paragraph 154 d) is to be taken on a case-by-case basis, taking into consideration footprint, volume, floor space, scale and bulk and any harm identified on the openness of the Green Belt.
- 6.9 Turning next to paragraph 154 g) (NPPF) this allows for 'Limited infilling' of previously developed land (PDL). Residential gardens not within urban areas are included in the definition of PDL following *Dartford BC v Secretary of State for Communities and Local Government* [2016] as such the land where the development is proposed is therefore considered to be PDL.
- 6.10 However, as like 'material larger' the NPPF does not provide a definition of 'limited infilling' the test for paragraph 154 g) is whether the proposal would cause substantial harm to the openness of the Green Belt.
- 6.11 Core Strategy Policy CP14 relates to development within the countryside. It states in the countryside development will be restricted to, amongst other criteria, b) the one-for-one replacement, or appropriate extension, of an existing dwelling, or conversion of an existing building for residential use.
- 6.12 Therefore, the principle of development is acceptable providing the proposal would either not result in a replacement dwelling that is materially larger or a proposal which would cause substantial harm to the Green Belt.

#### Other Material Considerations

- 6.13 The existing dwelling benefits from permitted development rights and in this regard a certificate of proposed development has established the principle of extending the dwelling.
- 6.14 The granted certificate of proposed development provides a realistic fallback position in terms of volumetric increase and impact on openness on the Green Belt and as such is a material consideration.
- 6.15 Parish Council and third party comments have also made reference to the location of the proposed dwelling being within the Green Belt and specifically the Parish Council note "The proposal is to move the footprint of the property into the Green Belt".
- 6.16 For clarification, the existing dwelling is also located within the Green Belt. The whole of Socketts residential curtilage and associated adjacent land falls within the Green Belt. The proposal does not introduce a new dwelling into the Green Belt. The proposal is for a replacement dwelling in the Green Belt within an existing residential curtilage.

#### Assessment on Green Belt.

- 6.17 Turning first to the test for 'materially larger' under paragraph 154 d) NPPF. In purely mathematical terms, (excluding the static mobiles, outbuildings and the certificate of lawfulness) the proposal would result in a building twice the size of the dwelling it



replaces, this increase in volume is unarguably 'materially larger' than the dwelling it replaces, therefore the proposal would not meet the exception test under paragraph 154 d) NPPF.

- 6.18 The planning statement submitted in support of the application suggests a volume decrease of 11%. However, the calculation in the Planning Statement includes the previously consented extension, the removal of the garage/coach house, and stables together with the removal of the static mobiles. The test under Paragraph 154 d) makes no allowance for the amalgamation of buildings in the assessment of 'materially larger'. Paragraph 154 d) is clear that the replacement building must be in the same use the new building it replaces, as such ancillary buildings and stables are not dwellings and therefore are not in the same use.
- 6.19 Turning next to paragraph 154 g) (NPPF) which allows 'Limited infilling' of PDL providing the proposal would not have caused substantial harm to the openness of the Green Belt.
- 6.20 With regard to openness, the leading court cases of Turner [2016] and Samuel Smith [2020] and numerous subsequent appeal decisions have confirmed that Green Belt openness has a spatial dimension and a visual dimension. The Turner judgment asserted that the consideration of openness cannot depend on a volumetric approach alone; rather, it is also necessary to consider the spatial implications of the proposal.
- 6.21 Moreover, it must not be forgotten that these dimensions work in tandem and not in isolation, and in context, a synergy that is not always transparent in assessments of effects on openness, which can appear heavily weighted towards the spatial aspect.
- 6.22 Therefore, when assessing whether the development 'as a whole', would cause substantial harm to the openness of the Green Belt, it is necessary to look at the wider implications of the proposal and to consider it within its context. The impact on openness will vary according to factors such as size and scale, and the prominence from public and private viewpoints.
- 6.23 Looking just at 'spatial' and at the development as a whole, and the changes as a result of it, the proposal would impact upon openness due to the increase in size, scale and footprint of the replacement dwelling. However, when considering spatial under Paragraph 154 g) regard may be given to the removal of the garage/coach house and stables. Regard has also been given to the granted certificate of proposed development which provides a realistic fallback position in terms of 'spatial' increase.
- 6.24 Turning to the 'visual' perception as a factor which may reduce the spatial harm from the effect of development on the openness of the Green Belt. The perceived effect upon openness could be less than might be expected because, for example, development may have a limited effect upon people's perception of openness from beyond the boundary of the site.

- 6.25 The site is well screened and as such the visual impact would be mostly from within the existing residential curtilage. Glimpses of the site from outside the curtilage may be more visible during the winter months when the mature trees are devoid of foliage but in that scenario the proposed dwelling would be read like the existing.
- 6.26 The dwelling is proposed to be situated approximately 8 metres further to the south of the existing dwelling which is not considered to be significant or results in a great visual impact on the countryside or Green Belt.
- 6.27 To ensure openness is maintained, conditions would be suggested to restrict the erection of outbuildings under class E of the GPDO, together with any further extensions to the replacement dwelling.
- 6.28 Therefore, whilst recognising the increase in volume resulting from this development, its effect is capable of being mitigated by other factors as highlighted above. The proposal would therefore comply with paragraph 154 g) limited infilling and as such would be appropriate development in the Green Belt.

Assessment on Character and Appearance

- 6.29 Paragraph 131 (NPPF) highlights the importance of creating high quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.30 Paragraph 135 (NPPF) seeks to ensure that decisions result in developments which are visually attractive because of good architecture, layout and landscaping, and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 6.31 Policy SQ1 Managing Development and the Environment Development Plan, requires development to protect, conserve and where possible to enhance the character and local distinctiveness of the area.
- 6.32 Policy CP24 of the Tonbridge and Malling Borough Core Strategy requires that all development must be well designed and of a high quality in terms of detailing and use of appropriate materials, and must through its scale, layout, siting, character and appearance be designed to respect the site and its surroundings.
- 6.33 Comments have been received that the front elevation is not reflective of the Conservation Area that it abuts and that the materials and design of the property should reflect the local environment and the Conservation Area.
- 6.34 Design is subjective, and Officers do not consider that the design would be out of keeping with the character and appearance of the area, specifically noting that the

proposed dwelling comprises a hipped pitch roof with modest dormers which are also traditional in appearance, together with brick elevations under a slate roof.

- 6.35 The site is not located within the Conservation Area and whilst adjacent to it, the siting of the dwelling, being centrally located in its large plot, set back from the road frontage and not readily visible in the street scene, the proposal would not be read in the context of the Conservation Area, therefore no objection is raised by Officers in relation to the central glazed feature which is similar in some case to features on barn conversions.
- 6.36 Should permission be granted a materials condition is suggested for the finer details (i.e. colour) to be submitted to and approved by the LPA prior to any above ground works.
- 6.37 Whilst the application relates to an existing residential curtilage, and therefore landscaping is well established in most areas, in this case the siting of the new dwelling would not on the same footprint as the existing and as such a condition is suggested for a landscaping scheme to be submitted in relation to the area of the existing dwelling.
- 6.38 To conclude on character and appearance, it is considered that the dwellings result in a well-designed scheme, that would complement with the overall form and layout of the site, in compliance with paragraph 135 (NPPF), Policy CP24 of the Tonbridge and Malling Borough Core Strategy and Policy SQ1 Managing Development and the Environment Development Plan.

#### Assessment on Neighbour Amenity

- 6.39 Policy CP24 of the Tonbridge and Malling Borough Core Strategy requires that all development must be well designed and respect the site and its surroundings. It outlines that development by virtue of its design which would be detrimental to amenity will not be permitted.
- 6.40 Paragraph 135 (f) of the NPPF advises that:
- “Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”.
- 6.41 As already noted, the dwelling sits centrally within its plot and is well contained. The proposed dwelling is a significant distance away from neighbouring properties as such the proposed dwelling, even having regard to the Juliet balconies proposed would not have an adverse impact on neighbouring properties.

### Access and Parking

- 6.42 Paragraph 114 of the NPPF states that, in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that, inter alia, safe and suitable access to the site can be achieved for all users. Paragraph 115 adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.43 Policy SQ8 of the Managing Development and the Environment DPD states that development proposals should comply with the adopted parking standards and development proposals will only be permitted where they would not significantly harm highway safety.
- 6.44 Turing first to parking, Kent County Council's Parking Standards (adopted 2025) sets out (appendix – Table 1) for 4 bedroomed houses or larger, within a rural area, 3 spaces would be required, plus 1 space for visitors. The planning application forms indicate that 6 spaces are available at present and the level of parking provision for the site would not alter.
- 6.45 Regarding the access, the proposal utilises the existing access, and there is already sufficient space laid out on site for a vehicle to turn and exit in a forward gear.
- 6.46 To conclude on parking and access, the proposal would utilise an existing access and would comply with Kent County Council parking guidance and as such the proposal would not pose an unacceptable risk to highway safety, nor would the proposal meet the high threshold set out in the NPPF for refusing an application on highway grounds.

### Ecology and Biodiversity

- 6.47 Paragraph 187 of the NPPF advises planning decisions should contribute to and enhance the natural environment, including protecting and enhancing sites of biodiversity and minimising impacts on and providing net gains for biodiversity. Paragraph 186 of the NPPF states if significant harm to biodiversity resulting from a development cannot be avoided through relocation, mitigation or compensated for, then planning permission should be refused, whilst opportunities to improve biodiversity in and around developments should be integrated as part of their design.
- 6.48 Policy NE2 Managing Development and the Environment Development Plan, outlines that the biodiversity of the Borough and in particular priority habitats, species and features, will be protected, conserved and enhanced.
- 6.49 Policy NE3 Managing Development and the Environment Development Plan also states development that would adversely affect biodiversity or the value of wildlife habitats across the Borough will only be permitted if appropriate mitigation and/or compensation measures are provided which would result in an overall enhancement.

Proposals for development must make provision for the retention of the habitat and protection of its wildlife links. The Council will impose conditions, where necessary and appropriate, to minimise disturbance, protect and enhance a site's ecological conservation value, to ensure appropriate management and monitoring and creating new or replacement habitats of enhanced ecological value.

- 6.50 Turning first to ecology, since the application proposes to demolish the existing dwelling, together with other buildings on the site, all of which could potentially impact upon bats, a Bat survey was requested.
- 6.51 A preliminary bat survey was undertaken (May 2025), the report notes that there was no evidence recorded for the presence of bats during the preliminary inspection and low potential was identified only in relation to the dwelling and garage, where there are possible gaps between the corners of the dormer windows and the roof, along with small gaps between a low number of the machine-made hanging tiles on either side of the dormer windows.
- 6.52 In this regard an emergency survey was conducted, with no bats being recorded emerging from the dwelling or the garage building, although common pipistrelle bats were occasionally recorded foraging around the site, and noctule bats were intermittently recorded high above the site.
- 6.53 The report sets out any mitigation measures that should be adhered to should at any time during the proposed works it becomes apparent that bats are present together with suggested enhancement measures which could be secured by condition. In addition, lighting can have a negative impact on bats (and other nocturnal species) and therefore any lighting should be designed to minimise light spill and again this can be secured via a condition.
- 6.54 Regarding biodiversity, it is now a national requirement that small scale developments must provide at least a 10% biodiversity net gain. However, one of the exemptions is for self-build and custom build applications. The Act states that “self-build and custom housebuilding” means the building or completion by –
- (a) individuals,
  - (b) associations of individuals, or
  - (c) persons working with or for individuals or associations of individuals, of houses to be occupied as homes by those individuals.
- 6.55 This application is for a self-build as such, is exempt from BNG. Self-build will be secured via a legal agreement. This will secure the relevant development/plot(s) as self-build and moreover will also set out BNG requirements should the self-build status subsequently be lost.

Contaminated Land

- 6.56 The Council's Environmental Health Protection Officer has reviewed the application and notes, due to the age and number of buildings to be demolished, there is a potential for made ground to be present on site. Therefore, a watching brief is required, and this would be secured via conditions.

Noise

- 6.57 Paragraph 191 of the NPPF states that:

"Planning policies and decisions should also ensure that new development is appropriate for its location considering the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impact resulting from noise from new development – and avoid giving rise to significant adverse impacts on health and the quality of life".

- 6.58 To the north of the site runs a railway line, the Council's Environmental Health Protection Officer notes that there is insufficient information provided with the application to enable full comments with respect to noise due to the proximity of the site to the railway line. A condition is therefore recommended should permission be granted requiring the applicant to submit a noise report detailing the current noise climate at the proposed site. The report should consider the levels cited in BS8233:2014, namely:

1. for gardens and other outdoor spaces, particularly those in para 7.7.3.2 which states a desirable limit of 50dB LAeq,16-hour, and a maximum upper limit of 55dB LAeq,16-hour; and

2. to at least secure internal noise levels no greater than 30dB LAeq, 8-hr (night) and 35dB LAeq, 16-hr (day) in bedrooms, 35dB LAeq, 16-hr (day) in living rooms and 40dB LAeq, 16-hr (day) in dining rooms/areas (ref para 7.7.2). Particular attention is drawn to the notes accompanying Table 4 in para 7.7.2 and that these levels need to be achieved with windows at least partially open, unless satisfactory alternative means of ventilation is to be provided.

- 6.59 The report should also detail any mitigation/attenuation measure needed to attain the above-mentioned levels. Specific details of any necessary noise insulation/attenuation requirements (e.g. acoustic glazing, acoustically screened mechanical ventilation, etc) will also need to be submitted for approval.
- 6.60 In addition to the suggested condition regarding noise, two informatives are also suggested relating to hours of construction and no bonfires on site.

### Drainage

- 6.61 Development can result in increased surface water run-off and reduced infiltration of water into the ground. At the strategic level, Core Policy CP10 provides the framework for guiding development away from areas at high risk from flooding. Policy CC3 of MDE DPD relates sustainable drainage. This notes, "Development proposals will not be permitted unless they incorporate sustainable drainage systems (SUDS) appropriate to the local ground water and soil conditions, local drainage regimes and in accordance with the Groundwater Regulations. Where soil permeability is low, rainwater harvesting and/or green roofs should, where practicable, be integrated into the design of the development".
- 6.62 The application forms indicate that for surface water, the intention is to connect to the main sewer and for foul waste, this would be via a package treatment plant, however, no specific details have been provided. A drainage strategy covering foul and surface water will therefore be required and would be secured by way of a planning condition.

### Other Matters

- 6.63 As set out in the introduction, a public right of way runs adjacent to the eastern boundary. Kent County Council Public Rights of Way Officer has reviewed the submitted details and raises no objection to the proposal subject to an informative regarding obstructing a public footpath.

### Section 106

- 6.64 Legislation and Paragraph 58 of the NPPF requires that planning obligations (including legal agreements) should only be sought where they meet all the following tests: - necessary to make the development acceptable in planning terms; - directly related to the development; and - fairly and reasonably related in scale and kind to the development.
- 6.65 As mentioned above, this will secure the relevant development as self-build and moreover will also set out BNG requirements should the self-build status subsequently be lost. This is considered to meet the relevant tests as listed above and the applicant has agreed to these contributions.

### Conclusion

- 6.66 In light of the above considerations, Officers put forward the following recommendation.

## **7. Recommendation: Approve subject to Section 106/UU securing self build and conditions**

### **Section 106/UU to secure the self-build.**

#### *Standard 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 91a of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- Site Location Plan Dated September 2024
- Proposed Block Plan by NPR Associates Ref F
- Proposed Front and Left Elevation – Drawing No. NPR/23/11/02 Rev F
- Proposed Rear and Right Elevation - Drawing No. NPR/23/11/03 Rev F
- Proposed Loft and Roof Plan - Drawing No. NPR/23/11/01.5 Rev C
- Proposed Lower Ground & Ground Floor Plans – Drawing No. NPR/23/11/01 Rev G
- Proposed Sections - Drawing No. NPR/23/1104 Rev B
- Planning Statement by DHA – Document Ref DHA/33076 dated November 2024
- Bat Survey Report by Green Link Ecology Ltd – Document Ref 25\_1849\_Report\_MF\_MD date 8 May 2025.

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

3. No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until details of 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: In the interests of visual amenity

#### *Contamination*

4. To safeguard the situation in the event that significant deposits of made ground or indicators of potential contamination are discovered during development, I suggest the imposition of following conditions:
  - (a) If during development work, significant deposits of made ground or indicators of potential contamination are discovered, the work shall cease until an investigation/ remediation strategy has been agreed with the Local Planning Authority and it shall thereafter be implemented by the developer.
  - (b) Any soils and other materials taken for disposal should be in accordance with the requirements of the Waste Management, Duty of Care Regulations. Any



soil brought onsite should be clean and a soil chemical analysis shall be provided to verify imported soils are suitable for the proposed end use.

- (c) A closure report shall be submitted by the developer relating to (a) and (b) above and other relevant issues and responses such as any pollution incident during the development.

Reason: In the interests of amenity and public safety.

#### *Ecology/Bats*

5. Prior to the occupation of the dwelling the ecology enhancement measures as recommended in the Bat Survey Report by Green Link Ecology Ltd – Document Ref 25\_1849\_Report\_MF\_MD date 8 May 2025, must be provided and thereafter maintained and retained.

Reason To ensure the protection of wildlife species

6. No external lighting shall be installed in connection with the development hereby approved until an external lighting scheme informed by or containing the details identified below has been submitted to and approved by the Local Planning Authority.
- Be designed following best practice guidance within Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 08/23 Bats and Artificial Lighting at Night'
  - Downward facing and on motion sensors
  - Plan showing location and types of lighting.

The external lighting scheme shall be implemented in strict accordance with those details and maintained and retained at all times thereafter.

Reason: In the interests of visual amenity and to ensure the protection of wildlife species.

#### *Noise*

7. Prior to any above ground development to erect the dwelling the applicant should submit a noise report detailing the current noise climate at the proposed site due to the close proximity to the railway line. The report should consider the levels cited in BS8233:2014, namely:
1. for gardens and other outdoor spaces, in particular those in para 7.7.3.2 which states a desirable limit of 50dB LAeq,16-hour, and a maximum upper limit of 55dB LAeq,16-hour; and
  2. to at least secure internal noise levels no greater than 30dB LAeq, 8-hr (night) and 35dB LAeq, 16-hr (day) in bedrooms, 35dB LAeq, 16-hr (day) in living rooms

and 40dB LAeq, 16-hr (day) in dining rooms/areas (ref para 7.7.2). Particular attention is drawn to the notes accompanying Table 4 in para 7.7.2 and that these levels need to be achieved with windows at least partially open, unless satisfactory alternative means of ventilation is to be provided.

The report should also detail any mitigation/attenuation measure needed to attain the abovementioned levels. Any mitigation/attenuation outlined within the report to meet the levels shall be implemented prior to the occupation of the dwelling and retained in perpetuity.

Reason: In the interests of amenity of future occupiers.

### *Drainage*

8. No development other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until a drainage strategy setting out the method in which foul and surface water runoff resulting from this development proposal are to be managed in accordance with the hierarchy of drainage options as set out in the National Planning Practice Guidance: Flood risk and coastal change has been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied unless and until the drainage method detailed in the drainage strategy has been implemented in accordance with the approved details and thereafter be retained and maintained.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficiency of the drainage provisions

### *General*

9. The existing dwelling, garage/coach house, stables and both static mobiles and all associated hardstanding on the site shall be permanently demolished/removed and all materials removed from the site within 3 months of the completion of the replacement dwelling hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the removal of the existing dwelling in the interests of openness and to prevent inappropriate development in the Green Belt, in accordance with the National Planning Policy Framework

10. Prior to the occupation of the dwelling hereby approved, details of all soft and hard landscaping shall be submitted to and approved in writing by the Local planning authority. The dwelling shall not be occupied until the soft and hard landscaping have been provided in accordance with the approved details and thereafter be retained in perpetuity.

Reason: To ensure a high quality of amenity, and avoid harm to the setting of Ightham Conservation Area and open rural character of the Green Belt and countryside.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) no development falling within Class(es) A, B, D and E of Part 1 of Schedule 2 to the said Order shall be carried out without the prior consent in writing of the Local Planning Authority.

Reason: To allow the local planning authority to retain control over the future development of the site, in order to avoid a reduction in the openness of this part of the Metropolitan Green Belt.

### **Informative**

1. The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then this office will deal on the basis that:
  - The applicant pays for the administration costs.
  - The duration of the closure is kept to a minimum.
  - Alternative routes will be provided for the duration of the closure.
  - A minimum of six weeks notice is required to process any applications for temporary closures

This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

2. During the demolition and construction phases, the hours of noisy working (including deliveries) likely to affect nearby properties should be restricted to Monday to Friday 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no such work on Sundays or Public Holidays.
3. Although it would not be possible at this stage under Environmental Health legislation to prohibit the disposal of waste by incineration, the use of bonfires could lead to justified complaints from local residents. The disposal of demolition

waste by incineration is also contrary to Waste Management Legislation. It is recommended that bonfires not be had at the site.

Contact: Susan Field