

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

MINUTES

Wednesday, 6th August, 2025

Present: Cllr W E Palmer (Chair), Cllr B Banks, Cllr M D Boughton, Cllr P Boxall, Cllr M A Coffin, Cllr S A Hudson, Cllr R V Roud, Cllr K B Tanner, Cllr Mrs M Tatton and Cllr M Taylor.

Apologies for absence were received from Councillors C Brown (Vice-Chair), R P Betts, S Crisp*, Mrs T Dean*, D Harman and J R S Lark.

(*apologies for in person attendance and participated via MS Teams when invited by the Chair to do so).

PART 1 - PUBLIC

AP2 25/37 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

AP2 25/38 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 25 June 2025 be approved as a correct record and signed by the Chairman.

AP2 25/39 GLOSSARY AND SUPPLEMENTARY MATTERS

Decisions were taken on the following applications subject to the pre-requisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health or in the variations indicated below. Any supplementary reports were tabled at the meeting.

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed under the relevant planning application shown below.

**MATTERS FOR DECISION UNDER DELEGATED POWERS (IN
ACCORDANCE WITH PART 3 OF THE CONSTITUTION)**

**AP2 25/40 TM/25/00501/PA - FORMER RYARSH PLACE FARM, BIRLING
ROAD, RYARSH, WEST MALLING**

As a result of the planning appeal decision in respect of the previously refused application (TM/23/03202/OAMIN) being received, this item was WITHDRAWN from the agenda.

**AP2 25/41 TM/24/01923/PA - LAND EAST OF LAND KNOWN AS MUMBLES
FARM, CROUCH LANE, BOROUGH GREEN, SEVENOAKS**

Lawful Development Certificate Existing: Section 191, Town and Country Planning Act 1991, for the change of use of land from Agricultural Land to use as a Caravan site for the siting of a static caravan for human habitation and land used in conjunction with that human habitation, as defined in Section 1(4) of the Caravan Sites and Control of Development Act 1960.

The application sought to establish the lawful stationing and occupation of a mobile home for human habitation. The applicant asserted that the above had been in place in excess of 10 years and therefore would now be lawful. Due regard was given to the determining issues as detailed in the report of the Director of Planning, Housing and Environmental Health and the views of the public speakers. Although concern was expressed that the proposal would have a detrimental impact upon the Green Belt it was accepted that whether the application would be inappropriate development was not for consideration in this case and evidence of continuous use needed to be determined. However, concern was also expressed that there was insufficient evidence of habitation as there were no Council Tax or Business Rate records for the site.

After careful deliberation it was accepted that the caravan had been used for residential purposes from December 2013 to date as the Local Planning Authority had no evidence to contradict the applicant's version of events and Statutory Declarations supporting this position had been received. Whilst it was acknowledged that the current owner had not registered for Council Tax, this was a separate function outside of planning matters and would be referred to the appropriate team within the Borough Council to consider further. Members were reassured that the certificate would only apply to a single static caravan.

In these circumstances, there was no good reason to refuse to grant a certificate and Cllr Palmer proposed, Cllr Boughton seconded and following a formal vote the Committee

RESOLVED: That

- (1) the certificate of lawfulness be APPROVED in accordance with the submitted details set out in the report of the Director of Planning, Housing and Environment Health; and
- (2) the submitted evidence was sufficiently clear and unambiguous to support, on a balance of probabilities, the conclusion that the mobile home at land east of land known as Mumbles Farm had been occupied for residential purposes for a period in excess of 10 years prior to the submission of the application.

(Speakers: Mr C Baseley, Platt Parish Council; Mr T White, agent)

AP2 25/42 TM/24/01969/PA - 2 BAYWELL, LEYBOURNE, WEST MALLING

Outline Application: all matters reserved for: Demolition of existing garage and erection of new detached self build dwelling

Due regard was given to the determining issues, conditions, reasons and informatives as detailed in the report of the Director of Planning, Housing and Environmental Health and the views of the public speakers.

Whilst some concern was expressed that the proposed development constituted over development of a constrained residential plot resulting in demonstrable harm to the character, safety, amenity and environmental quality of the area, after careful deliberation it was considered that no unacceptable impacts arising from the proposal had been identified that would significantly and demonstrably outweigh the potential benefits of the scheme.

However, Members sought reassurance that the materials used would be in keeping with the area and that concerns in respect of overlooking at the rear of the property and turning of vehicles would be addressed at the reserved matters stage of the application.

Cllr Hudson proposed, Cllr Boughton seconded and following a formal vote, the Committee

RESOLVED: That the outline application be APPROVED in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health, subject to

- (1) the signing and completion of an Unilateral Undertaking confirming that the development would be self-built and thus exempt from Bio-diversity Net Gain (BNG) requirements;
- (2) the amendment of Condition 2 to remove reference to the proposed site plan, proposed elevations and site layout; and

- (3) the reserved matters application being presented to Members for approval.

(Speakers: Mr H Joseph, Mrs E Joseph, Mr M Ellis – Members of the public; and Mr J Chapman - applicant)

AP2 25/43 PLANNING APPEALS, PUBLIC INQUIRIES AND HEARINGS

The report setting out updates in respect of planning appeals, public inquiries and hearings since the last meeting of the Planning Committee was received and noted.

AP2 25/44 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.51 pm