

**East Malling &  
Larkfield**  
East Malling

**569697 155516 6 January 2015**

**TM/14/04280/FL**

Proposal: Retention of two garden sheds and pergola  
Location: 340 Watringbury Road East Malling West Malling Kent ME19  
6JH  
Applicant: Mrs Susan Kolien

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**1. Description:**

1.1 The application is retrospective and proposes the retention of two garden sheds and a pergola. It is understood from the applicant that the sheds have been in place for at least 3 years having been erected by the previous owner. Aerial photographs taken in 2012 would support this.

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

2.1 Given the retrospective nature of the development.

**3. The Site:**

3.1 The site lies in the open countryside to the south of East Malling village and to the east of Kings Hill. The site comprises part of a former farm complex known as Heath Farm. The development is accessed from Watringbury Road. The dwelling is part of the converted former oast house located in the north of Heath Farm.

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

TM/08/00950/FL      Approved      15 September 2008

Development of a total of eight residential units, including redevelopment of existing units and partial variation of condition 4 of planning permission TM/05/00163/OA to enable 8no. residential units within Heath Farm only to be accessed from Watringbury Road

TM/09/03081/FL      Approved      11 May 2010

Amendments to planning application TM/08/00950/FL to use existing buildings for garaging, relocation of new garages and one additional garage with associated minor amendments to layout

TM/10/00854/RD      Approved

12 November 2010

Details pursuant to conditions 8 (contamination); 9 (landscaping); 10 (access); and 11 (closure of access) of planning permission TM/08/00950/FL: Development of a total of eight residential units, including redevelopment of existing units and partial variation of condition 4 of planning permission TM/05/00163/OA to enable 8no. residential units within Heath Farm only to be accessed from Wateringbury Road

TM/10/03023/RD      Approved

17 December 2010

Details of the implementation of the remediation scheme and certificate of completion submitted pursuant to parts c + d of condition 8 of planning permission TM/08/00950/FL (development of a total of eight residential units, including redevelopment of existing units and partial variation of condition 4 of planning permission TM/05/00163/OA to enable 8no. residential units within Heath Farm only to be accessed from Wateringbury Road)

## **5. Consultees:**

5.1 PC: Comments awaited.

5.2 Private Reps: 3 + site notice/0X/0R/0S.

5.3 EMCG: Whilst we acknowledge that the original development site fell within CP14 and was quite rightly judged to have satisfied the criteria of that policy, it appears that TMBC are now faced with a dilemma due to individual homeowners seeking permission or retrospective permission for garden structures that are obviously for the sole enjoyment of the home owners, but appear to fall foul of CP14. We believe all the structures are of good design and for the purposes intended and sensibly sited and in particular the rear garden of 354 is huge and easily accommodates the two proposed buildings without adverse effect upon the surrounding locality. We agree that if the buildings were for commercial use or could be converted for permanent residential use or if further buildings were erected in the gardens, it would be a different matter. Is there no way a bit of common sense could prevail and a way found to approve these applications? Could they not be re-evaluated under Class E Part 1 Schedule 2 of the Town and Country Planning Act as the buildings are sited in residential gardens as opposed to open countryside?

## **6. Determining Issues:**

6.1 The redevelopment of Heath Farm formed part of the outline planning permission for the Phase 2 Kings Hill development. The Supporting Statement submitted as part of TM/02/03429/OA made specific reference to the re-use of the Heath Farm oast houses and farm house complex. The Statement proposed eight residential

units not exceeding the existing farm complex footprint of 1,011m<sup>2</sup>. The full planning permission for the redevelopment was approved in accordance with these requirements. Permitted development rights for outbuildings and garden structures were removed as a condition of the permission for redevelopment. The reason for removing these rights was that the development was in a rural area that was viewed as acceptable due to it being the reuse of a previously developed site and it was considered that there was a need to retain an element of control on the further domestication of the site. It was not imposed to ensure that there were no outbuildings constructed at any point in the future.

- 6.2 The principal consideration in determining this proposal is, therefore, whether the outbuildings and pergola have had an adverse impact on the character of the complex and its rural setting.
- 6.3 Policy CP14 of the TMBCS 2007 seeks to restrict development in the countryside. The policy does however allow for appropriate extensions to existing dwellings, including appropriate ancillary domestic structures.
- 6.4 In addition, although the redevelopment of Heath Farm predates policy DC1 of the MDE DPD; this policy relates to the re-use of existing rural buildings and is a material consideration now. Section 3 of this policy makes specific reference to subsequent proposals relating to sites such as this where rural buildings have been converted to residential accommodation. It states that planning permission to erect ancillary buildings will not normally be granted. 340 Watringbury Road forms part of the converted oast building and as such, the development of the sheds is contrary to this policy. The underlying purpose of this policy is to ensure the character of converted rural buildings are not diluted or subject to incremental development that has an unacceptable suburbanising impact on the rural environment.
- 6.5 More generally, policy CP24 of the TMBCS seeks to ensure that all development is well designed and respects the site and its surroundings. This aim is also reflected in paragraph 58 of the NPPF 2012 which seeks to ensure that development will respond to local character and history and reflect the identity of local surroundings.
- 6.6 The overriding question is, therefore, whether the sheds and pergola in situ are of a form, scale or position that causes harm to the rural character of the converted rural building or the wider countryside to justify a refusal of planning permission.
- 6.7 The aims of the original farmyard re-development was to retain the layout of the original farm complex - the farmhouse and farm buildings being grouped together to echo the original character. I appreciate that the re-development has inevitably altered the original character. The introduction of entrance gates, fencing and other domestic paraphernalia as approved as part of the original scheme for

residential development has already greatly altered the appearance and ambiance of Heath Farm. As I have explained, the permitted development rights to erect domestic outbuildings were removed at the time planning permission was granted for the redevelopment of this site. However, the removal of these permitted development rights does not necessarily preclude all further such development at Heath Farm but seeks to ensure that any additional development could be considered formally by the Council.

- 6.8 The separation distance between the existing dwelling and the existing garden room is some 23m but this has resulted in the sheds being positioned close to the rear boundary of the garden. The ridge height of the sheds is just 2.23m and their combined floor area only amounts to 8.64m<sup>2</sup>. They are standard sheds, domestic in appearance and scale, typical of the sort of development one would associate with any dwelling, be that urban, suburban or rural. The pergola is a simple open structure, approximately 2.5m tall and situated between the two sheds. The pergola narrows to the rear to create a focal point at the rear of the garden. This feature is typically used for growing climbing plants etc. and as with the sheds is a feature that could be expected to be found in a domestic garden in any location.
- 6.9 It is acknowledged that the sheds are ancillary buildings serving a converted rural building meaning that they do not strictly accord with the requirements of policy DC1 of the MDE DPD. However, owing to their size and siting, the sheds have no unacceptable impact on the character of the converted rural building or the wider locality. The sheds are sited within the clearly defined residential curtilage and have no unacceptable impact on the character of the wider countryside. With regard to Policy CP14 the structures are considered appropriate as although not strictly speaking an extension to the existing dwelling given the separation, they represent the typical small scale type of domestic structure that could be expected to be found in a residential garden.
- 6.10 It is noted that a trellis fence and an area of paving have been added to garden landscaping. These works are, however, permitted development as the rights for these have not been removed under the original permission. The trellis fence and paving therefore do not form part of this planning application.
- 6.11 In light of the above assessment, I consider that the development meets the requirements of the NPPF and LDF and is therefore acceptable. The following recommendation is therefore put forward:

**7. Recommendation:**

- 7.1 **Grant Planning Permission** in accordance with the following submitted details:  
Letter dated 23.12.2014, Letter dated 06.01.2015, Location Plan dated 23.12.2014  
Photograph SHEDS dated 06.01.2015 and subject to the following:

**Condition**

1. The sheds hereby approved shall be used for a purpose incidental to the enjoyment of the related dwellinghouse only. The sheds shall not be occupied as a separate residential unit or used for the operation of any trade or business purpose.

Reason: In the interests of the general residential amenity.

Contact: Maria Brown