
Hildenborough
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16 OCTOBER 2025

TM/25/00713/PA

Location: Land North of Fir Tree Farm, Riding Lane, Hildenborough.

Proposal: Demolition of existing stables and erection of a detached dwelling (Self-build/custom build)

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1. Description of Proposal:

- 1.1 Planning permission is sought for the demolition of the existing stable building and the erection of a detached single storey, 3 bed dwelling.
- 1.2 The proposed dwelling would be L shaped, approx. 19.5 metres in length x 8.5 metres (at its longest depth) x 4.9 metres to its maximum height.
- 1.3 Access to the dwelling would be via the existing access track from Riding Lane leading to the site. Within the site the existing hard standing area will be extended to provide two parking spaces for the dwelling adjacent to the south western corner.
- 1.4 The dwelling is proposed to be sited within the north western corner of the site within the same footprint of the approved, but not implemented replacement stable building.

2. Reason for reporting to Committee:

- 2.1 This is a Member application which has been presented to committee in line with the constitution E8 - Planning applications made by Councillors and Officers and Council Development.
- 2.2 Criterion E8.6 bullet point 4) states:
 - *In the event that any objections are received to an application, it will need to be determined at the relevant Area Planning Committee.*
- 2.3 Hildenborough Parish Council has raised an objection to the proposal, if officers are minded to approve.

3. The Site:

- 3.1 The site is located to the east of Riding Lane and to the north of Riding Farm and contains a field and buildings for equestrian and ancillary storage use.
- 3.2 The site lies outside of any settlement boundary within the Metropolitan Green Belt and Countryside., To the northwest of the site is an area of Ancient woodland.

4. Planning History (most relevant only):

24/01556/PA - Approved - 27 January 2025

Demolition of existing stables and erection of replacement stables

23/00346/LDE - Certifies - 20 July 2023

Lawful Development Certificate Existing: Use of the buildings for equestrian and ancillary storage.

5. Consultees:

5.1 Hildenborough Parish Council:

Has concerns regarding the planning statement, where the proposal is defined as being on grey belt land. However, it is felt that this is not the case. The proposed development would have a direct impact on the countryside, altering its character—particularly in this predominantly agricultural area. As such, the proposal should be classified as being within the Green Belt.

Furthermore, the proposal would fundamentally undermine the purpose of the remaining Green Belt across the plan area and is therefore in contradiction to the National Planning Policy Paragraph 155. It should, therefore, be considered inappropriate development.

If TMBC are likely to approve this application then our objection/comments would stand.

5.2 Environmental Health Protection:

Foul drainage - It is stated as being unknown what is proposed to be used to deal with the foul water drainage installed for this development.

The applicant shall provide, if non-mains drainage is to be pursued, a document prepared by a suitably qualified and competent person demonstrating why it is not practicable to connect to the public sewer together with full details of the proposed non-mains drainage system including size, location and maintenance regimes. A suitable document for the provision of this information can be found at <https://www.gov.uk/government/publications/foul-drainage-assessment-form-fda1>

Informative: The report shall give due consideration to the National Planning Policy Guidance, Paragraph: 002 Reference ID: 34-002-20140306 in respect of Non-Mains Sewerage and Building Regulations Approved Document H - Drainage and Waste Disposal. This information should be provided in the form of a report and must be submitted with the application for it to be registered.

Proposals must be able to meet the Environment Agency's General Binding Rules, which can be found at <https://www.gov.uk/guidance/general-binding-rules-small->

sewage-discharge-to-the-ground, or, where the proposals are unable to meet the general binding rules the scheme must be capable of meeting the requirements of a specific discharge consent upon application to the Environment Agency. Any further guidance should be obtained from the Environment Agency as the UK regulator for the pollution of surface or ground waters and discharge consents.

Please note that the Local Planning Authority will note the submission of this information where provided but will not comment on its technical accuracy or provide technical guidance to the applicant.

Contaminated land - Due to the age of the building to be demolished and the potential for made ground to be present beneath it, a watching brief condition is recommended.

5.3 **KCC Ecology Advice Service:**

A Preliminary Ecological Appraisal (PEA) would typically include an assessment of potential adverse impacts on protected species that may be present within the area (e.g. reptiles, great crested newt, and dormice), however the PEA (Greelink, March 25) only comments on bats and nesting birds.

We note that at least four ponds are present within 250m of the site, and two adjacent to the site (northern and southern boundary). The site is within an Amber Risk Zone for great crested newt (GCN). In the absence of an assessment from an ecologist we presume that GCN may be present within the immediate landscape and onsite, however due to the small scale of proposals it is likely that through the implementation of precautionary impacts to GCN can be avoided without the need for a mitigation licence/DLL application.

The site appears to be heavily grazed modified grassland, which is largely unsuitable for reptiles, though they may be present onsite in low numbers due to the suitability of surrounding habitats or seeking refuge within the woodland and hedgerow boundaries. As with GCN, precautionary measures may be implemented to avoid adverse impacts on this species. The presence of roosting bats has been ruled out, however nesting birds may be present in buildings identified for removal.

No loss of woodland habitat is proposed, however the building within the onsite woodland is scheduled for demolition which may result in temporary disturbance. No consideration of dormice has been given within the PEA, however they may be present. Due to the scale and nature of works it is considered that impacts to dormice can be avoided through the implementation of sensitive working methods, without the need for further survey.

Habitats on and adjacent to the site are ecologically sensitive (broadleaved woodland, ancient woodland, ponds, hedgerows and grassland). These have potential to support a range of protected species, with only roosting bats determined

to be likely absent. In order to avoid impacts on protected habitats and species, we advise that a CEMP is implemented.

Lighting in the vicinity of a bat roost or along commuting / foraging routes could constitute an offence both to a population and to individuals. Artificial lighting has been shown to be particularly harmful to bats along river corridors, near woodland edges and near hedgerows¹. Local authorities have a duty to ensure impacts upon legally protected species are avoided and impacts upon bats are a material consideration in any planning permission under the Natural Environment and Rural Communities (NERC) Act 2006 and through the NPPF 2024.

Therefore, to mitigate against potential adverse effects on biodiversity, the Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 8 Bats and Artificial Lighting at Night' (or subsequent updates) should be consulted in the lighting design of the development.

We advise that the incorporation of sensitive lighting design for biodiversity is submitted to the local planning authority and secured via condition.

BNG - Though proposals are for a self-build application, the site exceeds 0.5ha and therefore the self-build exemption does not apply. A BNG metric and associated report have been provided (Greelink Ecology, May 25).

We consider a net gain of biodiversity onsite to be achievable, and that these gains are considered on site significant due to the extent of medium distinctiveness habitat creation. We note that the new woodland creation is to occur within the area mapped as hardstanding at baseline, however the area of newly created woodland does not equate to the amount of hardstanding to be lost, and no other created woodland appears to be shown on the post-development habitats plan. This will need addressing within final BNG calculations, however it is not considered to significantly impact net gain calculations

As net gains are on site significant, there is a need for a Biodiversity Gain Plan and Biodiversity Management and Monitoring Plan to ensure that there is a net gain in biodiversity within a 30-year period as a result of the development have been submitted to and agreed in writing by the Local Planning Authority. The Biodiversity Management and Monitoring Plan shall include 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports.

The Biodiversity Management and Monitoring Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan shall be secured by the developer with the management body(ies) responsible for its delivery secured via a condition.

Additional opportunities to secure enhancements from biodiversity, otherwise not secured within the HMMP, should be sought onsite. The PEA (Greenlink Ecology,

March 25), recommends the incorporation of 4 x tree mounted bat boxes within retained woodland, and 8 x vegetation mounted bird boxes within retained woodland. In addition to this we also recommend that log piles, hedgehog houses, dormouse boxes and insect hotels are provided onsite.

Bird boxes should be durable (i.e. woodcrete) and designed to target a range of woodland specialist species. This should include at least one of the following: universal nest box, open-fronted nest box, tree creeper nest box and tawny owl nest box. The newly created structure will be timber clad and therefore integrated nest boxes will likely not be feasible.

The PEA has not made consideration of the potential presence of dormice, though we consider that they may be present onsite and within the immediate area, due to the suitability of woodland habitat and the strong connectivity to areas of offsite ancient woodland. Proposals should include 2 x dormouse boxes within suitable areas of woodland to provide enhancements for this species, secured via a suggested condition.

5.4 **Upper Medway IDB:**

The site is near to the Internal Drainage District (IDD) of the Upper Medway Internal Drainage Board (IDB) and is within the Board's watershed catchment (meaning water from the site will eventually enter the IDD); therefore, the Board's Byelaws apply. Whilst the Board's regulatory process (as set out under the Land Drainage Act 1991 and the Board's Byelaws) is separate from planning, the ability to implement a planning permission may be dependent on the granting of any required Land Drainage Consents.

The Board has reviewed the documents submitted in support of the above planning application. Officers have noted works which may require Land Drainage Consent from the Board as outlined in the table below and detailed overleaf. Please be aware of the potential for conflict between the planning process and the Board's regulatory regime.

Where consents are required, the Board strongly recommends that these are sought from the Board prior to determination of this planning application.

I cannot see that the applicant has identified a drainage strategy for the site within their application. We recommend a drainage strategy is provided for the site. If the applicant proposes to discharge surface water to a watercourse, consent would be required under Byelaw 3.

I note that the applicant has not indicated how they propose to dispose of foul water from the development. If the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3.

5.5 **Interested Parties:** No comments received

6. Relevant Policy & Determining Issues:

Policy Guidance

- 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 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 Dec 2024”) and the associated National Planning Practice Guidance (“NPPG”) are also important material considerations together with Kent Design Guide, Kent County Council’s Parking Standards (January 2025) and the Hildenborough Character area SPD.

Principle of Development

- 6.4 The NPPF seeks to maximise opportunities for the supply of housing in appropriate locations which can contribute to the sustainability and vitality of existing communities, both urban and rural. Paragraph 78 of the NPPF states, *“Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old”*.
- 6.5 It is not disputed that the Council cannot currently demonstrate an up-to-date five-year supply of housing when measured against its objectively assessed need. The Council’s latest published position (December 2024) indicates a 2.89 year supply of housing.
- 6.6 As a consequence, the presumption in favour of sustainable development as set out at paragraph 11 of the NPPF (2024) must be considered when assessing a development for housing. For decision taking this means:
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.

- 6.7 In relation to Paragraph 11d (i), footnote 7 (NPPF) provides a list of those policies that relate to protected areas and assets of particular importance, this includes land within the Green Belt and Irreplaceable Habitats. Therefore, it must first be established whether the policies in this Framework that protect areas or assets of particular importance provides a 'strong' reason for refusing the development.

Ancient Woodland

- 6.8 Since 2018, all editions of the NPPF, have afforded Ancient Woodland a high level of protection, classifying it as "irreplaceable habitat". The current NPPF 2024 protects irreplaceable habitat at paragraph 193(c), stating:

Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

- 6.9 In this case Ancient Woodland designation is not directly on the site itself. However, the 15 metres buffer zone does encroach into the north western corner of the site and moreover the western end of the existing stable building is within that 15 buffer zone, but for the purposes of 11 d i) the site is not within an area classified as irreplaceable habitat.
- 6.10 Moreover, the proposal would see the removal of the existing stable building within the buffer zone. The proposed dwelling would be sited 15 metres further to the south than the existing building and consequently the proposed building would be significantly outside of the Ancient Woodland buffer zone.
- 6.11 The proposal would not result in the loss or deterioration of Ancient Woodland, on this basis and with reference to the aforementioned considerations there would be no 'strong' reason to refuse the proposal in respect of Para. 11d (i) in regard to irreplaceable habitats.

Green Belt

- 6.12 The site lies within the Metropolitan Green Belt, wherein Policy CP3 of the Core Strategy states that the Council will apply National Green Belt Policy. Paragraphs 153 – 160 of the NPPF relate specifically to the determination of proposals that affect the Green Belt.
- 6.13 Paragraph 153 states 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.

6.14 Paragraph 154 (NPPF) states, LPA's should regard development in the Green Belt as inappropriate unless it meets the exemption listed. Exceptions to this include:

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.

6.15 The site comprises a stable block and associated paddocks, and it is not disputed that the site would be considered previously developed land as defined in Annex 2 of the NPPF.

6.16 Therefore, the test to be applied is whether the proposal would cause 'substantial' harm to the openness of the Green Belt.

Assessment on openness

6.17 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.

6.18 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.

6.19 Therefore, when assessing whether the development as a whole would cause substantial harm to 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.

6.20 Turning first to spatial: The site currently contains two buildings, a larger single storey detached stable building with a store, and a smaller single storey timber building. The proposed development seeks to demolish the existing structures.

6.21 It is clear, based just on the spatial element, that the proposal would result in a materially larger building than that which currently exists on site, due largely to the increase in height. However, when compared to the extant permission for the stable building, which is a material consideration, whilst still seeing an increase in height the difference spatially would not be so significant. The approved stable building is

similar in length and width with a maximum roof height of 4.6 metres, the proposed building has a roof height of approx. 4.9 metres.

- 6.22 Turning to the 'visual' perception the perceived effect upon openness could be less than might be expected because, for example, the development would have a limited effect upon people's perception of openness from beyond the boundary of the site.
- 6.23 In this case, the proposed building would be more visible due to its proposed location, albeit that views would be largely limited to within the site itself due to the existing boundary treatment. However, as with the spatial element, regard must be given to the extant permission. The proposed building would be sited on the same footprint as the extant permission and in that regard visually the proposal would not cause substantial harm to the openness of the Green Belt.
- 6.24 Therefore, to conclude, on the impact on openness, in this case the proposal would not cause substantial harm to openness of the Green Belt. The proposal is for one dwelling which would be considered 'limited infilling on previously developed land' as such would comply with Paragraph 154 g) NPPF thus being appropriate development in the Green Belt.
- 6.25 Parish Council comments in relation to the site being inappropriate development has been noted. However, footnote 55 of the NPPF is clear that substantial weight is not given to any harm identified to the Green Belt, including harm to its openness on development that has been identified as appropriate development on previously developed land or grey belt land (which is considered next) as in this case.

Grey Belt

- 6.26 Turning next to Grey Belt, paragraph 155 states that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:
- a) The development would utilise 'grey belt' land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
 - b) There is a demonstrable unmet need for the type of development proposed;
 - c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
 - d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 (if applicable).
- 6.27 Turning first to criterion a) (para. 155) the NPPF at Annex 2 provides a definition for Grey Belt: this sets out that for the purposes of plan-making and decision-making, 'grey belt' is defined as:

“Land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in Paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development”.

- 6.28 The site is previously development land and whilst adjacent to an irreplaceable habitat, the site is not within that designation as such the site is not located in any of the other assets referred to in footnote 7. Therefore, the next step would be to establish if the parcel of land ‘strongly’ contributes to the Green Belt under purposes a), b), or d) as set out in Paragraph 143 (NPPF). These are:
- a) To check the unrestricted sprawl of large built-up areas.
 - b) To prevent neighbouring towns merging into one another
 - d) To preserve the setting and special character of historic towns
- 6.29 In relation to purpose a) – unrestricted sprawl of large built-up areas: Hildenborough within the TMBCS Policy CP12 is defined as a Rural Service Centre. Hildenborough is therefore not a large built-up area for the purpose of criterion a).
- 6.30 Moreover, the PPG has recently been updated to reflect the changes to the NPPF and now provides detailed guidance on how to assess Green Belt purposes [Paragraph: 005 Reference ID: 64-005-20250225].
- 6.31 As set out in the PPG, assessment areas that contribute ‘strongly’ are likely to be free of existing development and lack physical feature(s) in reasonable proximity that could restrict and contain development. They are also likely to include all of the following features:
- be adjacent or near to a large built-up area
 - if developed, result in an incongruous pattern of development (such as an extended “finger” of development into the Green Belt)
- 6.32 The site itself is not free of development and has strong physical features that would restrict and contain the development, these being the established boundaries marking all four sides and the adjacent ancient Woodland to the north/north west. Therefore, Officers are of the opinion that the site would not ‘strongly’ contribute to purpose a).
- 6.33 Turning next to purpose b) - To prevent neighbouring towns merging into one another. In this case the proposal due to the location of the site would not result in neighbouring towns merging into one another.
- 6.34 In regard purpose d) - To preserve the setting and special character of historic towns. Hildenborough is not considered a historical town.

- 6.35 Therefore, to conclude on Para 155 criteria a), Officers are of the opinion that the site does not 'strongly' contribute to the three purposes of the Green Belt as set out above, as such the site would qualify as 'Grey Belt' land. This is confirmed by PPG which states *"After consideration of the above criteria, any assessment area that is not judged to strongly contribute to any one of purposes a, b, or d can be identified as grey belt land, subject to the exclusion of land where the application of the policies relating to the areas or assets in footnote 7 to the NPPF (other than Green Belt) would provide a strong reason for refusing or restricting development"*. [Paragraph: 007 Reference ID: 64-007-20250225].
- 6.36 Turning next to Criterion b) – There is a demonstrable unmet need for the type of development proposed. The Council cannot demonstrate a five year supply of deliverable housing sites.
- 6.37 In regard to c), this requires development to be in a sustainable location. The NPPF states at paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF states that the planning system has three overarching objectives to achieving sustainable development, which are interdependent and need to be pursued in mutually supportive ways.
- 6.38 Sustainable development is also re-iterated in policy CP1 of the TMBCS. This policy requires all proposals for new development to deliver a high-quality sustainable environment and seeks to ensure that adequate provision is made for housing to meet the needs of existing and future residents of the Borough in line with the evolving need and requirements
- 6.39 The site is not isolated and whilst the access to the site itself is 'lengthy', it is considered that the site is within a reasonable walking and cycle distance to local services and general everyday facilities. There are bus stops in Riding Lane close to the access which would provide links to the wider area. However, it is also acknowledged that there is no footway or street lighting in the vicinity and therefore this is likely to deter some journeys in the winter months. Therefore, whilst it is noted that the site would be to some extent more reliant on a motor vehicle, having regard for paragraph 110 NPPF which acknowledges that *"opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan making and decision taking"* on balance officers consider the site to be of moderate sustainability.
- 6.40 Last criteria d) states where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156 & 157. The proposal is not for 'major development and therefore criterion d) is not applicable.
- 6.41 Officers have had regard to the Parish Council comments in relation to the site not being on Grey Belt land and that the development would have a direct impact on the countryside, altering its character. However, having regard to the

aforementioned considerations Officers are of the opinion the site would be Grey Belt.

- 6.42 To conclude on paragraph 155 (NPPF) the site would constitute Grey Belt land and would meet all 'relevant' criteria as set out in paragraph 155 (NPPF) and as such would be regarded as appropriate development.
- 6.43 Where a development is not inappropriate in the Green Belt, this does not itself remove the land from the Green Belt nor require development proposals to be approved. In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, wider policies and considerations apply, including those in the area's adopted Plan, and in the NPPF read as a whole [Paragraph: 010 Reference ID: 64-010-20250225 PPG].
- 6.44 It therefore follows that as not being inappropriate development Paragraph 11 d (ii) is engaged and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.

Countryside

- 6.45 Core Strategy Policy CP14 relates to development within the countryside. It states in the countryside development will be restricted to, but not limited, to a) extensions to existing settlements in accordance with Policies CP11 or CP12, b) the one-for-one replacement, or appropriate extension, of an existing dwelling, or conversion of an existing building for residential use. The proposal does not fit within those categories listed in Core Strategy Policy CP14, however, this policy predates the NPPF and is not considered to be consistent with the NPPF and therefore diminished weight is afforded to the policy in this case.

Assessment on Character and Appearance

- 6.46 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.
- 6.47 Paragraph 135 (NPPF) seeks to ensure that decisions result in developments which are visually attractive as a result 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.

- 6.48 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.
- 6.49 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.
- 6.50 It is not disputed that the existing buildings on the site have no architectural merit however, they are still considered appropriate in their appearance for their intended use and as buildings associated with rural/semi rural areas.
- 6.51 The replacement building is of a similar size and L shaped in design to the extant permission. The proposed dwelling is considered to reflect the rural vernacular. The feature front gable adds interest to the front elevation which is also replicated in the projecting western element.
- 6.52 The external materials proposed are timber cladding for the walls under a tile roof. These materials in principle will harmonise with other nearby rural buildings and are similar to the existing structures. The building would have an authentic rural character whilst meeting modern sustainability standards. If permission is forthcoming a condition would be imposed for the finer details of the materials to be submitted to and approved by the LPA.
- 6.53 In terms of the positioning of the dwelling within the site, as noted previously the dwelling would be sited on the location of the approved stables. This sees the building moved forward from the northern boundary increasing the distance away from the buffer area to the Ancient Woodland. The Planning Statement indicates that this area would be demarcated from the dwelling with fencing to preserve and enhance the Ancient Woodland buffer.
- 6.54 It is suggested that permitted development rights are removed for extensions to the dwelling as this will allow a level of control and ensure that any extension to the rear or side of the dwelling would not impact on the Ancient Woodland and Green Belt.
- 6.55 The parking spaces have been located close to the entrance of the site in order to prevent the need for additional hard surfacing. The dwelling itself will then only be accessed via a pedestrian pathway. In order to ensure this is retained it is suggested that permitted development rights are removed in relation to hardstanding albeit it is noted that extending the parking area would be forward of the front elevation and therefore subject to a certain level of control.
- 6.56 To conclude on character and appearance, it is considered that the proposal would not harm the overall character and appearance of the immediate area 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 Access and Parking

- 6.57 Policy CP2 (TMBCS) states that any new development that is likely to generate a significant number of trips should adhere to policy requirements including being “(d)...compatible with the character and capacity of the highway network in terms of the volume and nature of traffic generated”.
- 6.58 This policy is also supplemented by Policy SQ8 (MDE DPD) which states development proposals will only be permitted *“where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network.”*
- 6.59 Policy DC6 (MDE DPD) states: “In consideration of development proposal which are in the vicinity of, or are served by, rural lanes, permission will only be granted where: (a) the development conserves and, where appropriate, enhances the value of the lane in terms of its landscape, amenity, biodiversity, historic or archaeological importance; and (b) any proposed alterations to the lane are the minimum necessary to serve the proposal in terms of highway safety”.
- 6.60 Turning first to the access the proposal would utilise the existing access from Riding Lane. Visibility from the existing access is considered to be good and the proposal being just for one dwelling will not significantly impact on vehicular movements at the access, especially having regard to the existing vehicle movements to the existing and proposed stables.
- 6.61 Turning next to parking, Kent County Council’s Parking Standards (January 2025) (Appendices Table 1) set out that the provision for a 3 bed house in a rural location, is 2 spaces per unit in the form of one or both spaces being allocated if possible. The application proposes two vehicle parking spaces located close to the existing access track. It is also noted that there is sufficient space within the site to accommodate a visitor space if required.

Assessment on Neighbour Amenity

- 6.62 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.
- 6.63 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”.

- 6.64 The nearest dwelling is Fir Tree Farm located some 60 metres to the south. Due to the size of the dwelling proposed and the distances between the properties, there would be no impact on Fir Tree Farm in terms of loss of privacy, overlooking or an overbearing effect from the proposed dwelling.
- 6.65 Therefore, to conclude on neighbour amenity, the proposal would not harm neighbour amenity and as such accords with Policy CP24 of the Tonbridge and Malling Borough Core Strategy and the aims of the NPPF.

Living conditions of future occupiers

- 6.66 The Nationally Described Space Standards states that for a 3 bed, 5 person dwelling set over one floor, 86 square metres is required plus 2.5 sqm for storage. The proposed dwelling would comprise 98 square metres and therefore would comply with the minimum standards.
- 6.67 It is important to note that the Council has not formally adopted these space standards but nonetheless, the measurements of the bedrooms and the development overall would comply with the Nationally Described Space Standards.

Biodiversity and Ecology

- 6.68 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 193 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.
- 6.69 Policy NE2 MDE DPD, outlines that the biodiversity of the Borough and in particular priority habitats, species and features, will be protected, conserved and enhanced. Policy NE3 MDE DPD 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.
- 6.70 The application is accompanied by a Preliminary Ecological Appraisal (PEA) (Greenlink Ecology dated March 2025). KCC Ecological Advice Service has reviewed the submitted information and whilst raising a comment in relation to the PEA not referring to reptiles, great crested newts (GCN) and dormice, are satisfied

that sufficient information has been submitted. KCC Ecology note that due to the small scale of proposals it is likely that through the implementation of precautionary impacts to GCN can be avoided without the need for a mitigation licence/DLL application.

- 6.71 It is also noted that the site appears to be heavily grazed modified grassland, which is largely unsuitable for reptiles, though they may be present onsite in low numbers due to the suitability of surrounding habitats or seeking refuge within the woodland and hedgerow boundaries. As with GCN, precautionary measures may be implemented to avoid adverse impacts on this species.
- 6.72 In regard to dormice no loss of woodland habitat is proposed, and moreover due to the scale and nature of works it is considered that impacts to dormice can be avoided through the implementation of sensitive working methods, without the need for further survey.
- 6.73 In consideration of the above, a pre commencement Construction Environmental Management Plan (CEMP) condition is suggested. The CEMP will include measures to avoid impact to GCN, reptiles, hedgehog and dormice.
- 6.74 In addition, KCC Ecology also suggest a lighting condition to mitigate against potential adverse effects on bats.
- 6.75 Turning next to Biodiversity Net Gain (BNG) - Under section 40 of the NERC Act (2006) and paragraph 187 of the NPPF (2024), biodiversity must be maintained and enhanced through the planning system. Additionally, in alignment with paragraph 193 of the NPPF (2024), the implementation of measurable net gains for biodiversity (integrated as part of design) should be encouraged.
- 6.76 Under the Environment Act 2021, all planning applications for small scale development (unless exempt), will have to deliver at least a 10% biodiversity net gain.
- 6.77 In this case whilst the proposal is for a self build dwelling, this exemption applies only if the self build meets certain criteria, one of which relates to the size of the site. In this regard the site exceeds the 0.5 hectares exemption and therefore the self build exemption does not apply.
- 6.78 A BNG metric and associated report have been provided (Greenlink Ecology, May 2025). This demonstrates that a net gain of +2.09 units (+76.31%) can be achieved onsite through new woodland creation and enhancement of modified grassland to other neutral grassland. Additionally, a net gain of +0.41 hedgerow units (+135.43%)
- 6.79 KCC Ecology consider a net gain of biodiversity onsite to be achievable, and that these gains are considered significant due to the extent of medium distinctiveness habitat creation. KCC Ecology note that the new woodland creation is to occur

within the area mapped as hardstanding at baseline, however the area of newly created woodland does not equate to the amount of hardstanding to be lost, and no other created woodland appears to be shown on the post-development habitats plan. This will need addressing within final BNG calculations; however it is not considered to significantly impact net gain calculations.

- 6.80 As net gains on site are significant, there is a need for a Biodiversity Gain Plan and Biodiversity Management and Monitoring Plan to ensure that there is a net gain in biodiversity within a 30-year period as a result of the development have been submitted to and agreed in writing by the Local Planning Authority. The Biodiversity Management and Monitoring Plan shall include 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports.
- 6.81 The Biodiversity Management and Monitoring Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan shall be secured by the developer with the management body(ies) responsible for its delivery. In regard to the above KCC Ecology has suggested a pre commencement condition for a Habitat Management and Monitoring Plan (HMMP) to be submitted. However, as the BNG requires monitoring, the applicant is required to enter into a S106 agreement and will be subject to BNG monitoring fees.
- 6.82 Additional opportunities to secure enhancements from biodiversity, otherwise not secured within the HMMP, should be sought onsite. The PEA (Greenlink Ecology, March 25), recommends the incorporation of 4 x tree mounted bat boxes within retained woodland, and 8 x vegetation mounted bird boxes within retained woodland. In addition to this we also recommend that log piles, hedgehog houses, dormouse boxes and insect hotels are provided onsite.
- 6.83 As stated above the PEA has not made consideration of the potential presence of dormice, though it is considered that they may be present onsite and within the immediate area, due to the suitability of woodland habitat and the strong connectivity to areas of offsite ancient woodland. Proposals should include 2 x dormouse boxes within suitable areas of woodland to provide enhancements for this species. These biodiversity Enhancements would be secured via a condition.

Flooding / Drainage

- 6.84 Developments 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”*.

- 6.85 The application forms indicate that surface water will be dealt with via SuDs, however, in regard to foul sewage this is currently unknown.
- 6.86 There is a presumption that connection to the Public Sewer should be the first considered method of sewage disposal. If non-mains drainage is to be pursued, the applicant will need to demonstrate why this is not practicable in this specific case.
- 6.87 In regard to Foul sewage the Council's Environmental Health Officer suggests details are secured via a suitably worded condition together with an informative advising the applicant that any report needs to have regard to National Planning Policy Guidance, Paragraph: 002 Reference ID: 34-002-20140306 in respect of Non-Mains Sewerage and Building Regulations Approved Document H - Drainage and Waste Disposal. This information should be provided in the form of a report and must be submitted with the application for it to be registered.
- 6.88 In addition, the site is also near to the Internal Drainage District (IDD) of the Upper Medway Internal Drainage Board (IDB) and is within the Board's watershed catchment (meaning water from the site will eventually enter the IDD); therefore, the Board's Byelaws apply.
- 6.89 Whilst the Board's regulatory process (as set out under the Land Drainage Act 1991 and the Board's Byelaws) is separate from planning, the ability to implement a planning permission may be dependent on the granting of any required Land Drainage Consents.
- 6.90 The Board has reviewed the documents submitted in support of the above planning application and has noted works which may require Land Drainage Consent from the Board. The Board cannot see that the applicant has identified a drainage strategy for the site within their application and as such recommend a drainage strategy is provided for the site. If the applicant proposes to discharge surface water to a watercourse, or to discharge treated foul water to a watercourse consent would be required under Byelaw 3.
- 6.91 A condition is therefore suggested to be imposed for details of both surface water and foul drainage to be submitted to and approved by the LPA.

Contamination

- 6.92 The Council's Environmental Health Protection Officer has reviewed the application and considers due to the age of the building to be demolished and the potential for made ground to be present beneath it, a watching brief condition is recommended.

Public Sector Equality Duty – Equality Act 2010

- 6.93 Section 149 of the Equality Act 2010 introduced the Public Sector Equality Duty (PSED), which came into force in April 2011. This duty requires public authorities, including the Council, to have due regard to the need to:

- Eliminate unlawful discrimination, harassment, and victimisation;
- Advance equality of opportunity between people who share a protected characteristic and those who do not; and
- Foster good relations between people who share a protected characteristic and those who do not.

6.94 In the context of planning, equalities considerations are embedded throughout the planning process. This begins with the formulation and adoption of planning policies at the national, strategic, and local levels, including any supplementary planning guidance. These policies are subject to statutory processes that include assessments of their impacts on protected groups.

6.95 For individual development proposals, further consideration is given to the potential equality impacts where relevant. In this case, all relevant policies from the Tonbridge and Malling Development Plan and the National Planning Policy Framework (NPPF) have been considered in the assessment of the application. These policies have been subject to equality impact assessments during their adoption, in accordance with the Equality Act 2010 and prior legislation and the Council's obligations under the PSED.

6.96 Accordingly, the adopted planning framework used in the assessment of this application is considered to reflect and support the needs of individuals with protected characteristics, as defined by the Equality Act 2010 and previous legislation. These characteristics include: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

6.97 The Local Planning Authority can confirm that the application of local and national planning policies in the determination of this planning application has been carried out with due regard to the provisions of the Equality Act 2010.

6.98 In conclusion, it is considered that Tonbridge and Malling Borough Council has had due regard to its duties under Section 149 of the Equality Act 2010 in the assessment of this application and the recommendations set out in this report.

Planning Balance

6.99 It has already been acknowledged that the Council cannot currently demonstrate a five-year housing land supply. In these circumstances the presumption in favour of sustainable development as set out at paragraph 11 of the NPPF (2024) must be considered when assessing a development for housing.

6.100 Consequently, permission should be granted unless as the application of policies in the Framework that protect areas or assets of particular importance provides a 'strong' reason for refusing the development proposed

- 6.101 In regard to Green Belt it has been established that the proposed development would not cause sustainable harm to openness of the Green Belt, (also having regard to footnote 55 NPPF) and as such there would be no strong reason to refuse the proposal under paragraph 11 d i) in relation protected areas
- 6.102 It has also been established that the site would comprise Grey Belt land.
- 6.103 Therefore paragraph 11 d ii) is engaged and planning permission should only be refused if any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taking as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination
- 6.104 In weighing the proposal in the overall planning balance required by 11 d (ii) the Council acknowledged that the scheme would provide the provision of a new dwelling, and as such would support the overarching aims of national and local planning policy in relation to housing delivery, this attracts substantial weight in favour of the proposal even acknowledging that the provision is for only one dwelling.
- 6.105 The proposal would generate economic benefits, both short term during the construction phase, and during the lifetime of the development. It would create investment in the locality and increase spending in local shops and services. The NPPF advises that significant weight should be placed on the need to support economic growth and productivity.
- 6.106 The fallback position, which sees planning permission granted for the erection of a stable building of comparable size is extant and therefore a material consideration in the assessment of harm to the openness of the Green Belt attracting significant weight in the planning balance.
- 6.107 It has been concluded that that there would be no unacceptable impact on character and appearance, neighbouring properties, ecology, highway safety or parking provision subject to conditions and the proposal would be acceptable in terms of design and living conditions. However, absence of harm in relation to these matters is not a benefit of the scheme, but rather, weighs neutrally in the planning balance.

Conclusion of Planning Balance

- 6.108 Having regard to the above, in applying paragraph 11(d)(ii) of the NPPF, it is considered that no unacceptable impact arising from the proposal has been identified that would significantly and demonstrably outweigh the potential benefits of the scheme. Therefore, the presumption in favour of development must apply in this case and consequently, the application is recommended for approval subject to conditions.

7. Recommendation: Approved subject to S106 and conditions as follows:

Heads and Terms S106: Monitoring HMMP

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

Site Location Plan Drawing No. SLP.01

Proposed Block Plan Drawing No. S.02 Rev P2

Proposed Floor Plan Drawing No P.01 (received 30 September 2025)

Proposed Elevations Drawing No. P.02

Planning Statement (Highgate, April 25)

BNG Metric and Report (Greenlink Ecology, May 25)

Preliminary Ecological Appraisal (Greenlink Ecology, March 25)

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

4. Prior to the occupation of the first dwelling hereby approved a scheme of hard and soft 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. 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 interest of visual amenity.

5. The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:
- (a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread.
 - (b) No fires shall be lit within the spread of the branches of the trees.
 - (c) No materials or equipment shall be stored within the spread of the branches of the trees.
 - (d) Any damage to trees shall be made good with a coating of fungicidal sealant.
 - (e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.
 - (f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level

Reason: In the interests of visual amenity

6. No development shall take place (including any ground works, site or vegetation clearance) until a construction environment management plan for biodiversity has been submitted to and approved in writing by the local planning authority. The CEMP (biodiversity) shall include the following and be based on the PEA (Greenlink Ecology, March 25), but should also include measures to avoid impacts to GCN, reptiles, hedgehog and dormice.
- a) Purpose and objectives for proposed mitigation works during construction:
 - b) The identification of biodiversity protection zones and the use of protective fences, exclusion barriers and warning signs;
 - c) Detailed design(s) and/or working method(s) necessary to achieve stated objectives
 - d) Extent and location of proposed mitigation works shown on appropriate scale maps and plans, with reference to: pollution avoidance measures (noise, dust, lighting and run-off), protection of retained trees, adjacent ancient woodland, and precautionary measures for breeding birds, roosting bats, hedgehog, dormouse, reptiles and great crested newts;
 - e) Timetable for implementation, demonstrating that mitigation works are aligned with the proposed phasing of construction;

- k) Persons responsible for implementing the mitigation works, including any times during construction when specialist ecologists need to be present on site to undertake / oversee works;
- l) Initial aftercare and reference to a long-term maintenance plan (where relevant);
- m) Disposal of any wastes for implementing work.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To protect habitats and species that may be present onsite from adverse impacts during construction.

- 7. Prior to occupation, a lighting plan for biodiversity shall be submitted to, and approved in writing by, the local planning authority. The plan shall show the type and locations of external lighting, as well as the expected light spill in lux levels, to demonstrate that areas to be lit shall not adversely impact biodiversity and will avoid adjacent woodland habitats.

All external lighting shall be installed in accordance with the specifications and locations set out in the plan and shall be maintained thereafter.

Reason: to avoid adverse impacts on nocturnal species, including bats and owls

- 8. The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan, and including the information required by (a) to (e) below, has been submitted to, and approved in writing by, the local planning authority:
 - (a) A non-technical summary;
 - (b) The roles and responsibilities of the people or organisation(s) delivering the HMMP;
 - (c) The planned habitat retention, creation and enhancement works to conserve, create and/or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan. This shall include the provision of scaled and detailed soft landscaping plans, as well as planting schedules;
 - (d) The management measures to conserve, maintain and improve habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and

- (e) The monitoring methodology and frequency by suitably qualified person, in respect of the retained, created and/or enhanced habitat to be submitted to the local planning authority.

The retained, created and/or enhanced habitat specified in the approved HMMP shall be managed, created and maintained in accordance with the approved HMMP

Reason: To satisfy the requirements of Biodiversity Net Gain.

9. Prior to the commencement of any works above slab level, the ecological enhancement measures detailed within KCC EAS Ecological Advice note dated 13/06/25 shall be implemented and maintained thereafter.

The development hereby permitted shall not commence until:

- At least 8 durable bird nest boxes targeting woodland species are installed in suitable retained woodland habitat.
- At least 4 durable bat boxes are installed in suitable retained woodland habitat
 - At least one hedgehog house is provided within retained habitat way from potential disturbance
- At least one log pile is created within woodland or at woodland edge, sourced from local and sustainably sourced materials [from onsite resources if possible]
- At least one insect hotel is provided within retained habitat
- At least two dormouse boxes are installed within areas of retained woodland have been installed/created in accordance with best practice, as well as written and photographic evidence of the installation/creation has been submitted to the local planning authority.

Reason: In the interest of protective species.

10. 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 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

11. (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

- 12 The development hereby approved shall not be occupied until the parking spaces shown on Proposed Block Plan Drawing No. S.02 Rev P2 have been constructed for use of the proposed dwellings. 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 or in such a position as to preclude vehicular access to these reserved parking space without the approval of the Local Planning Authority.

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

13. Prior to the occupation of the dwelling, detail of secure cycle and refuse storage facilities shall be submitted to and approved in writing by the Local planning authority. The dwelling shall not be occupied until the secure cycle and refuse storage has been provided in accordance with the approved details and thereafter be retained in perpetuity.

Reason: To facilitate the collection of refuse and to ensure that cycle storage is provided and maintained in accordance with the Council's adopted standards

- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) no development falling within Classes A, D E or F 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 enable the Local Planning Authority to retain control over future development on the site and to avoid harm to visual and residential amenity that could otherwise occur without such restrictions.

Informatives

1. Under paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 (as amended) every planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (i) a) Biodiversity Gain Plan has been submitted to the planning authority, and
b) the planning authority has approved the plan.
- (ii) This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.
- (iii) For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the Government Website: Submit a biodiversity gain plan (www.gov.uk).

If the onsite habitat includes irreplaceable habitat, the Biodiversity Gain Plan must include:

- Information about steps taken or to be taken to minimise any adverse effect of the development on the habitat.
- Information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat are minimized and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits

2. To avoid undue disturbance to neighbours, during the demolition and construction phase, the hours of working (including deliveries) shall be restricted to Monday to Friday 07:30 hours - 18:30 hours. On Saturday 08:00 to 13:00 hours, with no 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. The applicant is therefore advised to prohibit fires on site during the development stage of this project

4. This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.

5. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

6. 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 email 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

7. The report shall give due consideration to the National Planning Policy Guidance, Paragraph: 002 Reference ID: 34-002-20140306 in respect of Non-Mains Sewerage and Building Regulations Approved Document H - Drainage and Waste Disposal. This information should be provided in the form of a report and must be submitted with the application for it to be registered.

Contact: Susan Field