

REPORT TO WOULDHAM PARISH COUNCIL 5th December 2023

**By the Tonbridge and Malling Borough Councillors for
Aylesford North and North Downs Ward
Councillors Dave Davis Roger Dalton and Alex McDermott**

DOWNS FARM ALLOWED

The TMBC decision to refuse planning permission for the new development on Downs Farm was overturned by the Planning Inspectorate on appeal and the development allowed.

The appeal decision is attached below.

There is no means of appealing against this decision.

AGILE

Planning has now moved over completely to AGILE although there is still some work in progress.

Most notably the weekly list of Decisions and Enforcement cases received and closed are not ready for dissemination.

The system is much better than the old one but users will need to adjust to the new way of working.

The hyperlink for the Planning Portal is:

<https://www.tmbc.gov.uk/planning-applications-appeals/planning-view-comment-planning-applications>

If there are problems or concerns, please feed back to us.

Appeal Decision Site visit made on 2 October 2023
by **J Pearce MSc MRTPI** an Inspector appointed by the Secretary of State
Decision date: 9 November 2023
Appeal Ref: APP/H2265/W/23/3321085
Downs Farm, Pilgrims Way, Wouldham, Rochester ME1 3RB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr K Phillips against the decision of Tonbridge and Malling Borough Council.
- The application Ref TM/22/02876/FL, dated 23 December 2022, was refused by notice dated 22 February 2023.
- The development proposed is the erection of a part two/part single storey detached dwelling with two bedrooms with mezzanine and basement, an associated curtilage, and space for three parking spaces.

Decision

1. The appeal is allowed and planning permission is granted for Erection of a part two/part single storey detached dwelling with two bedrooms with mezzanine and basement, an associated curtilage, and space for three parking spaces at Downs Farm, Pilgrims Way, Wouldham, Rochester ME1 3RB in accordance with the terms of the application, Ref TM/22/02876/FL, dated 29 December 2022, subject to the conditions in the attached Schedule.

Main Issue

2. The main issue is the whether the proposal would conserve and enhance the landscape and scenic beauty of the Kent Downs Area of Outstanding Natural Beauty (AONB).

Reasons

3. The appeal site lies within the Kent Downs AONB. Paragraph 176 of the National Planning Policy Framework (the Framework) requires that great weight should be given to conserving and enhancing landscape and scenic beauty in the AONB. I am also mindful of the statutory purpose of AONBs to conserve and enhance the natural beauty of the area. The site comprises a small building with an area of hardstanding containing several large vehicles. It is in a poor condition and makes a negative contribution to the surrounding area.

4. The site is on the eastern scarp, an area of rising land covered by woodland. The higher land of the scarp makes the site and its surroundings visible in medium and long-distance views from Wouldham and the opposite side of the River Medway. This is recognised within the Medway Valley Landscape Character Assessment, which notes the dense woodland alongside the open views and dominant landforms. Views into the site from Pilgrims Way are limited by the rising land and existing roadside vegetation. Appeal Decision APP/H2265/W/23/3321085 <https://www.gov.uk/planning-inspectorate> 2

5. Development in the immediate area typically predates the designation of the AONB, but nonetheless imposes itself on the character of this landscape. It includes the telecommunications mast and building adjacent to the site and a row of terraced dwellings towards Burham. These features are visible within the locality whilst there is further development within the woodland beyond Hill Road close to Pilgrims Way.

6. The proposal consists of a part single-storey, part two-storey dwelling to the centre of the site, where the land is generally level. The architecture has sought to respond to and respect the surroundings. The roof form would reflect the contours of the rising land, whilst the sedum covered roof and timber weatherboarding would complement the natural, wooded setting and would minimise the visual effect on the landscape.

7. The dwelling would be visible from public vantage points, particularly in the medium- and long-distance views from Wouldham. However, visibility is not analogous to harm. Whilst the scheme would increase the amount of built form at the site, the design and material finish of the proposal would complement and harmonise with the landscape such that it would rest comfortably within its surroundings. Ultimately, the proposal would replace the existing unsightly building and machinery with a sensitively designed dwelling.

8. The development would be complemented by an extensive scheme of landscaping, which can be adequately accommodated given the size of the site. The scheme could be secured by a condition, and would enhance the site and the locality. Although the dwelling would likely result in some light pollution, this would be read within the immediate context of existing development at Downs Farm, and would be tempered by the low profile of the property and the slanted design of its roof. Given such, I consider that this would not significantly exceed light that could already be produced at the site if used in its current form. External lighting can be controlled by a suitably worded condition.

9. I conclude that the proposal would conserve and enhance the landscape and scenic beauty of the AONB. On this basis, the scheme complies with policies CP7 and CP24 of the Tonbridge and Malling Borough Core Strategy (2007) and policy SQ1 of the Managing Development and Environment Development Plan Document (2010), which requires proposals to respect their surroundings and preserve the natural beauty and quiet enjoyment of the AONB.

Conditions

10. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interests of certainty.

11. The quality of the environment, including the AONB landscape, would be protected by conditions in respect of external materials, details of slab levels, hard and soft landscaping, arboricultural matters, an ecological strategy and external lighting. In addition, a condition removing permitted development rights for the enlargement, improvement or other alteration of a dwellinghouse and buildings within its curtilage is included as it is necessary and clearly justified to preserve the natural beauty and quiet enjoyment of the AONB. Appeal Decision APP/H2265/W/23/3321085
<https://www.gov.uk/planning-inspectorate> 3

12. A condition requiring the submission of construction management arrangements is required to safeguard the living conditions of local residents and to prevent adverse impacts on the local road network during the construction phase. As such, it is necessary for this condition to be discharged prior to the commencement of the development.

13. A condition removing permitted development rights for the enlargement, improvement or other alteration of a dwellinghouse is included as it is necessary and clearly justified to safeguard the living conditions of occupants of neighbouring dwellings as well as ensuring that sufficient external space is retained for future occupants of the development.

14. Adequate parking would be secured by a condition, whilst flood risk would be managed by a condition in respect of sustainable drainage. A condition is also included in respect of contamination in the interests of public safety.

Conclusion

15. For the reasons given above, I conclude that the appeal should be allowed.

J Pearce

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Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1705/01D, 1705/02D, 1705/03B, 1705/04B, 1705/05, 1705/06C, 1705/07, 1705/08A and 1705/09.
- 3) No above ground development, other than the 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.
- 4) Prior to the first occupation of the development hereby approved a scheme of hard and soft landscaping and boundary treatment shall be submitted to and approved by the Local Planning authority. Details shall include:
 - (a) proposed finished levels of contours
 - (b) hard surfacing materials including walls and fences;

(c) all proposed soft landscaping including a schedule of planting noting the species, planting size and planting densities and an implementation programme. 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.

5) The use hereby permitted shall not be commenced, nor the building(s) occupied, until the area shown on drawing 1705/02D received on 28 December 2022 as vehicle parking space to serve the associated use or building has been provided, surfaced and drained. Thereafter it shall be kept available for such use.

6) Prior to the commencement of the development hereby approved, arrangements for the management of any and all demolition and/or construction works shall be submitted to and approved by the Local Planning Authority. The management arrangements to be submitted shall include (but not necessarily be limited to) the following:

(a) The days of the week and hours of the day when the construction works will be limited to and measured to ensure these are adhered to;

(b) Procedures for managing all traffic movements associated with the construction works including (but not limited to) the delivery of building materials to the site (including the times of the day when those deliveries will be permitted to take place and how/where materials will be offloaded into the site) and for the management of all other construction related traffic and measures to ensure these are adhered to;

(c) Procedures for notifying neighbouring properties as to the ongoing timetabling of works, the nature of the works and likely their duration, with particular reference to any such works which may give rise to noise and disturbance and any other regular liaison or information dissemination;

(d) The specific arrangements for the parking of contractors' vehicles within or around the site during construction and any external storage of materials or plant throughout the construction phase.

(e) The controls on noise and dust arising from the site with reference to current guidance.

The development shall be undertaken in full compliance with the approved details.

7) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of a sustainable drainage scheme have been submitted to and approved by the local planning authority.

The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

(a) a timetable for its implementation, and

(b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

8) Prior to the commencement of the works hereby approved, including the removal or hard surfacing or other ground works, details of precautionary mitigation measures to protect planting near the site boundaries and the adjacent woodland must be submitted to and approved by the local planning authority. The development shall be implemented in accordance with the mitigation measures approved under this condition.

9) Prior to the first occupation of the development permitted, an ecological strategy shall be submitted to and approved in writing by the Local Planning Authority. This shall include details in accordance with the recommendations of the Preliminary Ecological Appraisal prepared by Native Ecology (ref 0831_R01_PEA dated 2 November 2021) received 28 December 2022. The approved measures shall be implemented prior to first occupation of the first occupation and retained thereafter.

10) 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 submitted to and agreed by the Local Planning Authority. It shall thereafter be implemented by the developer. 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.

Prior to the occupation of the dwelling hereby permitted, a closure report shall be submitted to and approved by the Local Planning Authority relating to (a) and (b) above and other relevant issues and responses such as any pollution incident during the development (if applicable).

11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and reenacting that Order) no development shall be carried out within Classes A or E of Part 1 or Class A of Part 2 of Schedule 2 of that Order.

12) Prior to the first occupation of the dwelling hereby permitted, a scheme detailing external lighting shall be submitted to and approved by the Local Planning Authority, and the approved scheme shall be carried out in strict accordance with those details and retained thereafter. No further external lighting may be installed without the express approval in writing of the Local Planning Authority.

13) No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until details of slab levels have been submitted to and approved by the Local Planning Authority. The details to include a scaled cross section showing the proposed development in relation to the adjacent buildings. The works shall then be carried out in strict accordance with those details.