



Design & Access Statement

In support of the proposed development at:

Lytlewood & Russetings
Riding Lane
Hildenborough
Tonbridge
TN11 9LR

PL / 671 / 15

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June 2023

Introduction

This document has been prepared to accompany a full plans application, submitted on behalf of Mrs M. Woodings, for the demolition of two existing dwellings and the erection of 3 new, detached dwellings, with associated access and amenity areas, at Lytlewood & Russetings, Riding Lane, Hildenborough, Tonbridge TN11 9LR. It should be read in conjunction with the submitted drawings PL/671/01; PL/671/02; PL/671/03; PL/671/04; PL/671/05 and PL/671/10, as well as the Preliminary Ecological Appraisal prepared by KB Ecology and the Arboricultural Survey, prepared by Ben Larkham Associates Ltd.

Site Assessment

The application site is approximately 12,643m² in size and is located in Hildenborough, Tonbridge, within a ribbon of residential dwellings lying within the Metropolitan Green Belt.

Two 1.5 storey, detached dwellings currently occupy the site, each being set back between approximately 25m and 48m from the main highway, behind mature trees and overgrown vegetation. Both properties benefit from extensive wrap-around grounds, as well as individual, private, unmade access driveways, off Riding Lane. A number of outbuildings and poly-tunnels are scattered across the rear gardens of the dwellings.



Indicative outline of application site (image taken from Google Maps)

Lytlewood and Russettings date back to approximately the 1930's and are very similar in appearance. They are both 1.5 storey, detached properties, built from white painted brick with steep pitched roofs. Three bay windows, with leaded-style glazing are incorporated within the front, ground floor elevation with a gabled dormer window within the roof space. Additional square dormers are incorporated into the roof space on the side elevations of the dwellings. Russettings has the addition of a small conservatory on the rear façade, with a garage /store room on the east elevation. When the two properties were originally built, planning approval existed for a third dwelling of a similar size and style, situated between the two, however, this was never built.

The site boundaries are formed from a combination of high-level hedging, low-level post and rail or wire fencing.

The rear gardens are mainly laid to lawn, with a variety of mature trees and planting along the site borders and within the gardens themselves. Further details of the existing trees can be found within the submitted arboricultural report, prepared by Ben Larkham Associates Ltd.

Russettings and Lytlewood are positioned toward the northern end of a ribbon of residential development, running along the north side of Riding Lane. The surrounding properties are predominantly large, detached residential dwellings of varying ages and styles, all set back from the main highway behind good size frontages. The dwellings range from single storey to 2.5 storey homes, with common features of gables, steep pitched roofs and dormer windows being evident. A common palette of materials has been used locally, which incorporates red brick, white render and red / brown roof tiles. To the south of Riding Lane, opposite the development site, lies open countryside.

A number of photographs of the site and surrounding area can be found in Appendix A of this document.

Relevant Planning History

Previous planning applications have been made on the site, as follows:-

Russettings:-

63/10021/OLD - Addition of garage and storeroom – granted 05/03/1963.

22/01532/LDP – Lawful Development Certificate Proposed: Erection of a swimming pool building in the rear garden – refused 07/10/2022.

22/02450/LDP - Lawful Development Certificate Proposed: Swimming pool building in the rear garden of the property - approved 19/12/2022

Lytlewood:-

22/00960/LDP – Lawful Development Certificate Proposed: Swimming pool building – approved 21/06/2022.

Pre-application advice was sought for the demolition of the 2 existing dwellings and the erection of three new detached properties. An on-site meeting took place on 1st March 2023 with the Planning Officer, Francis Amekor, to discuss the proposals. The advice was positive, with discussions centred around calculating the volume of the existing bungalows and outbuildings, with the approved pool buildings also being factored into these calculations. Advice was received that a

maximum 30% uplift on total volume is generally acceptable. The written advice received is contained within Appendix B of this document.

Description of Proposals

The applicant is seeking permission to demolish the two existing properties, Russettings and Lytlewood, along with their associated outbuildings and erect three new replacement, 2.5 storey dwellings, with access roads off Riding Lane. The addition of a third property provides a logical infill between the existing dwellings, whilst still preserving the openness of the site and the Green Belt land beyond.

The three proposed dwellings will be 5 bedroom detached properties with ample hardstanding to the front to accommodate vehicle parking, with plots 1 and 3 benefitting from integral double garages and plot 2 a detached double garage.. A suitable turning area is incorporated at the head of each property's driveway to allow vehicles to enter and exit in a forward gear. The two existing, unmade access driveways, off Riding Lane, which currently serve Russettings and Lytlewood, will be retained and upgraded. The driveway serving Russettings will be extended to provide access to the additional, third, infill property. Both access roads will be surfaced to a suitable standard, in order to accommodate private and service vehicles.

The new properties will be set back from the main highway between approximately 27m and 53m, with their front elevations aligning with that of the adjacent dwelling, The Bend, to the east of the site. This will ensure the current building line, when viewed from Riding Lane, will be consistent and the properties will not appear incongruous within the street scene. The proposed plot 1 will occupy a similar footprint to Lytlewood, but will be set back approximately 5m from the original dwelling. Plot 3 will occupy a similar footprint to Russettings and this will be set back approximately 10m from the original dwelling.

Access & Sustainability

The application site is located in the village of Hildenborough, within the Metropolitan Green Belt, approximately 4km to the north of Tonbridge. It lies between the A21 to the west and the A26 to the east, which provide road links to the M25, M26 and M20 into London and to the coast.

Riding Lane is approximately a 5 minute drive to Hildenborough Train Station, which has regular services into London and Tonbridge. From Tonbridge, onward services to Ashford International and the Coast are available.

A number of primary and secondary schools are within a 4km radius of the application site, whilst a variety of shops and services are located within the village of Hildenborough, approximately 1 mile to the south of Riding Lane. The town of Tonbridge, further south, provides a wider array of shops and facilities.

Both existing properties, Russettings and Lytlewood, benefit from a private, unmade access off the main highway of Riding Lane. It is proposed to retain and upgrade both accesses with a more suitable vehicular surface. The driveway which currently serves Russettings, will be extended to provide access to plots 2 and 3, whilst Lytlewood's existing driveway will serve plot 1.

In terms of environmental impact, the proposed dwellings will incorporate thermally efficient measures to reduce heat loss and minimise solar gains. All light fittings will be low energy and water efficient sanitary / kitchen fittings and appliances will be installed in the buildings. One electric vehicle charging point will be provided to each of the new properties, as well as a lockable shed in the rear gardens providing secure cycle storage facilities.

Layout

During the design process, careful consideration was given to the local area character, as well as supplementary planning guidance, contained with the National Design Guide 2021.

The submitted scheme has been designed to ensure the new dwellings not only link seamlessly into the existing ribbon of residential development, but also provide a good level of privacy and amenity to future occupiers. As plot 1 will be positioned approximately 57m from the nearest existing property to the west (Copleys), and plot 3 will be approximately 20m from the eastern neighbour (The Bend), there will be no overshadowing, or adverse effects on the privacy of the neighbouring dwellings. There are no other properties to the rear of the site, only woodland and fields, with open fields directly opposite the site to the front.

Plot 3 will be built on the footprint of Russettings. Although the new dwelling will be positioned approximately 2m further west, its western elevation will align with Russetting's existing western elevation.

The internal layouts of the proposed dwellings have been designed in such a way that window positions will ensure the amenity of neighbouring dwellings is not adversely affected. The majority of windows at first floor level serve bathrooms / ensuites or landing areas. The 2 exceptions are a bedroom window to plots 2 and 3, which both face onto the driveway / parking areas.

Separation distances between the three plots of between approximately 8m and 10m ensure there are limited opportunities for overlooking into the rear gardens of the new dwellings.

Large rear gardens will provide suitable private amenity space for future occupants.

Adequate off-road parking provision will be provided in the form of three parking spaces per dwelling and one EV charging point will also be provided to each of the properties.

Areas of hardstanding have been incorporated into the development, to provide dedicated refuse bin storage areas, with the garages providing a secure space for bicycle storage.

Scale

The existing dwellings, Russettings and Lytlewood, are 1.5 storey detached bungalows, with a number of outbuildings and polytunnels scattered across the rear gardens. In addition, each property has the benefit of an extant permission to erect a large, detached, single storey pool building within its rear garden, each of which would occupy an external footprint of approximately 237.4m². As of the submission date of this full plans application, no works have commenced on building the pool houses.

As discussed with the Planning Officer at the pre-application advice meeting, volumes of the existing bungalows, outbuildings and approved pool buildings were calculated to understand the total volume of existing built form on the site. The table on the following page provides the calculated volumes.

Building Name	Total Volume (m³)
Lytlewood	585.0
Russettings	664.0
Outbuildings	453.9
Lytlewood Pool House	844.0
Russettings Pool House	808.0
Total Volume	3,355.0
30% uplift on existing total volume	1,006.5
Combined existing volume & 30% uplift total volume	4,361.5

It is proposed to replace the 2 existing dwellings with 3 new, 2.5 storey dwellings. The following table provides gross internal floor areas and volumes for each of the new houses:-

Plot No.	Proposed GIA (m²) (excludes the garages)	Proposed Volume (m³) (includes the garages)
Plot 1	398.79	1,625
Plot 2	357.24	1,325
Plot 3	354.10	1,400
Totals	1110.13	4,350

As can be seen from the above table, the proposed, combined volume of the new dwellings is 11.5m³ less than the combined volume of the dwellings, outbuildings and pool buildings with the 30% uplift.

Should permission not be granted for the new dwellings, there is a strong possibility of the pool buildings being erected within each of the rear gardens. This would increase the built form on the site, presenting a much more domesticated feel, whilst also restricting the openness of the plots and negatively impacting on the local area character.

Appearance and Design

The three new dwellings will be traditionally-styled, detached properties, whose designs have been influenced by the local vernacular, as well as guidance contained with the National Design Guide 2021. The existing dwellings, within the band of residential development to the north of Riding Lane, are all large, detached properties, set back some distance from the main highway. As previously discussed, gable roofs and dormer windows are widely seen across the local area, with building materials generally consisting of red/brown brickwork and red/brown roof tiles, with white render, timber detailing and vertical hanging tiles creating a 'rural' feel.

The three new houses have each been designed to incorporate elements of the timber detailing, red/brown vertical tile-hanging and roof tiles, white render and red/brown brickwork mentioned above. This will ensure each of the dwellings is slightly different in appearance to its neighbours, whilst still linking seamlessly into the surrounding area character. The gable roofs and small dormer windows, which are widely seen on the local housing stock, have been replicated on each of the three new plots, again to ensure consistency within the street scene.

Landscaping & Ecology

The applicant recognises that any landscaping scheme will need to be sympathetic to and enhance the local area character, considering the site's positioning within the Green Belt. Providing open views to the countryside beyond the site is key to the scheme, as well as limiting any domestication of the land.

Existing trees and planting to the front of the site will be retained, in order to maintain the current street scene, with any required pruning / tidying to take place to further enhance this aspect of the site. The submitted Arboricultural Survey, prepared by Ben Larkham, provides in-depth details relating to trees to be removed and retained, as well as recommendations for works to retained trees and protection of such during construction works.

Existing post and rail fencing to the site boundaries will be inspected and either retained, or replaced, where required. Additional post and rail fencing will be installed between the rear gardens of the three plots, in order to delineate the residential garden areas.

The two existing, unmade driveways will be suitably improved, extended and upgraded to provide an access to all three properties, which is capable of accommodating private and service vehicles.

A Preliminary Ecological Appraisal was conducted by KB Ecology, the findings of which have been submitted as part of the application. Ecological enhancement measures have been recommended within the report and a bat roost and bat boxes have been incorporated into the new development, as shown on the submitted drawings.

Should planning permission be granted, it is believed conditions relating to hard and soft landscaping and additional ecological enhancement measures could be conditioned at this stage.

Use

The existing bungalows are both residential properties and the proposals also seek to erect residential dwellings, consistent with the surrounding properties and local area generally.

Planning Policy

This application should be determined in accordance with the following Planning Policies:-

Tonbridge & Malling Borough Council Core Strategy (2007)

- Policy CP1 – Sustainable Development
- Policy CP3 – Metropolitan Green Belt
- Policy CP14 – Development in the Countryside
- Policy CP24 – Achieving a High Quality Environment

Tonbridge & Malling Borough Council Managing Development & The Environment DPD (2010)

- Policy SQ1 Landscape and Townscape Protection and Enhancement
- Policy SQ8 Road Safety

National Planning Policy Framework (NPPF) 2021

TMBC Policy CP1 & NPPF 2021 Paragraphs 7 - 11 – Sustainable Development

Although Tonbridge & Malling Borough Council's Local Development Plan has been reviewed and considered during the preparation of this full plans application, it is to be noted that TMBC cannot demonstrate an up to date 5 year supply of housing. The LDP is, therefore, considered to be outdated and a presumption in favour of sustainable development exists.

Whilst the development site is classed as falling within the open countryside, it is positioned within a ribbon of existing housing, with 2 of the 3 proposed plots being replacement properties and one being an infill plot. With its existing dwellings and associated outbuildings within the properties' curtilages, the site has been demonstrated to be previously developed land.

The new dwellings will be built to a high standard, to meet the updated Building Regulations, making them much more thermally efficient than the existing bungalows. There is scope to incorporate more sustainable heating / cooling methods and renewable energy, along with water saving devices, within these buildings, in order to reduce their impact on the environment. In addition, the properties will each benefit from one electric vehicle charging point, to enable future occupiers to use more sustainable transport methods.

A small, rural service centre lies within a mile radius of the site, offering services, such as a convenience store, pharmacy and café. These facilities could be accessed by bicycle, or a short car journey. The additional car journeys, that could potentially be generated by the net gain of one dwelling, will not have a significant impact on the local highway network and, with the possibility of travelling by bicycle, or electric vehicles, the impact could be further negated.

The local area would benefit from short term economic gains through the construction of the new dwellings and the employment opportunities which would arise. In addition, local shops and services could potentially benefit from increased footfall from both the construction workers and future residents of the new properties.

It is therefore considered that the proposals accord with the principles of sustainable development in both policy CP1 of TMBC's Core Strategy 2007 and the NPPF 2021.

TMBC Policy CP3 and NPPF 2021 Paragraphs 147 - 149 – Development Within the Green Belt

The proposals seek permission for the demolition of two existing dwellings and their associated outbuildings, along with removal of various poly tunnels scattered across the rear of the site. Three new, detached, replacement 2.5 storey dwellings are proposed. Although the application site lies within the Metropolitan Green Belt area, it falls within a ribbon of established residential development. With the two properties and their associated outbuildings and other structures, the site is considered to be previously developed land. Paragraph 149 of the NPPF 2021 states that:-

'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.'

There are exceptions to this, with sub paragraph (g) stating:

'Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- *– not have a greater impact on the openness of the Green Belt than the existing development; or*

- – *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

It is believed that the proposed scheme would comply with paragraph 149 (g) of the NPPF 2021 in that, the development will replace two outdated dwellings and infill the residential amenity land between the two with an additional third property. All three houses will be located to the front of the site, respecting the building line with The Bend, to the east. By removing the various buildings and poly tunnels to the rear, the land would be opened up and the impact of domestication on the Green Belt reduced. Suitable spatial separation between the 3 houses would still provide an open feel and have limited impact on the street scene. Furthermore, the development would contribute to the need for additional family size housing within the local area.

Weight should be afforded to the fallback position that, should permission be refused, the existing dwellings would be refurbished and the consented pool buildings erected within the curtilage of each property. Although these would be situated to the rear of Lytlewood and The Ridings, they are each approximately 21m x 11m in size, with a roof ridge height of approximately 3.9m. These additional buildings would, therefore, have a considerable detrimental impact on the openness of the rear of the site and the Green Belt itself.

Whilst the introduction of a third, infill dwelling will reduce the open space between Russetings and Lytlewood, there will, nonetheless, still be adequate spatial separation of approximately 8 – 10 metres between the three properties, consistent with neighbouring dwellings to the west.

The total combined footprint of the 3 new dwellings is slightly smaller than that of the existing bungalows with their outbuildings, poly-tunnels and approved pool buildings. It is, therefore, considered that, with the proposals being contained to the front of the site, they would not be significantly more harmful to the openness of the Green Belt than the existing development with the approved pool houses.

TMBC Policy CP14 & NPPF 2021 Paragraph 80 – Development in the Countryside

Although Policy CP14 seeks to restrict development in the countryside, two of the proposed dwellings will be rebuilds of existing properties, with the third new dwelling, being an infill plot within the established ribbon of residential development, as opposed to an isolated, stand-alone dwelling. The proposals, therefore, would not have an adverse detrimental impact on the character of the local area, nor encroach into undeveloped countryside.

The appearance and design of the new homes have been carefully considered to ensure they are sympathetic to the local area character and provide a cohesive form of development within the street scene. Their siting, to the front of the plot, in line with The Bend, ensures the building line remains consistent.

Many of the existing trees and vegetation will be retained, particularly on the site's border with Riding Lane, to ensure the character of the area is not adversely impacted and that there is minimal loss of habitat for wildlife. In addition, the trees will provide an element of screening for the new dwellings from the highway.

The existing pond, located towards the west boundary of Russetings, will also be retained to further protect existing wildlife within the site.

TMBC Policy CP24 & NPPF 2021 Paragraph 130 – Achieving Well Designed Places

Careful consideration has been given to the site constraints, in terms of its position within the Green Belt, as well as its relationship with neighbouring dwellings. Preserving and enhancing the character of the local area has also been key in the design process. These factors, in conjunction with the relevant Planning Policies and supplementary planning guidance, have resulted in the current proposals, which we believe are sympathetic to and enhance their setting. The three new dwellings will make a positive contribution to the area, provide a good standard of living for future occupants, whilst still respecting the amenity of neighbouring dwellings.

Each of the three houses will be similar in style, with slight variations in their external appearance. This will provide an element of interest to the buildings, as well as reflect the fact that the surrounding housing stock is not identical. The local palette of materials has been the starting point for the designs and it is, therefore, believed the new homes will sit comfortably within their surroundings and will not appear incongruous within the street scene.

The internal layouts of the proposed dwellings will provide family sized accommodation, with suitable storage, all in exceedance of the Nationally Described Space Standards. With large rear gardens, future occupiers will also benefit from good-sized, private amenity space. A good standard of living will, therefore, be afforded to future occupiers.

The ability to incorporate more energy efficient and water saving technology into the new builds will ensure the homes have less of an environmental impact, as compared to the two existing, outdated bungalows.

By retaining the existing planting and trees, bordering the main highway, the street scene will remain fairly unaltered. In addition, the new plots will be screened from the highway and the verdant appearance from Riding Lane maintained.

The scale, height and massing of the proposed buildings and their residential use is consistent with the surrounding dwellings.

TMBC Policy SQ1 & NPPF2021 Paragraph 130 – Landscape Protection & Enhancement

The submitted proposals have been carefully considered to ensure the site layout and design of the new houses reflect and enhance the local environment. Inspiration has been drawn from the existing bungalows, as well as surrounding properties, to provide appropriate house types and a palette of materials which will sit well within the street scene.

As the third property is an infill plot, it will integrate seamlessly into the residential ribbon of development and will be positioned within previously developed land. It will not, therefore, encroach on the open countryside any further than the existing residential dwellings.

As the existing bungalows are outdated and in need of modernisation, the replacement dwellings will enhance the street scene, as well as provide an opportunity to integrate more environmentally friendly technology and materials.

It is recognised that the soft landscaping and pond are important features of the site. The submitted arboricultural report provides detailed information relating to the existing trees and planting to be retained or removed. The pond will be retained and not altered in any way, ensuring any wildlife that relies on the pond is not impacted by the development.

Integrated bat boxes and a bat roost have been incorporated into the new development and KB Ecology's Preliminary Ecological Appraisal suggests further ecological enhancements, which could also be integrated into the scheme.

It is believed, therefore, that the proposals are in accordance with policy SQ1 and the NPPF 2021.

TMBC Policy SQ8 & NPPF2021 Paragraph 111 – Road Safety

The existing access arrangements will be retained and upgraded to provide two driveways, which will serve all three new properties. The access roads will be suitably surfaced in order to accommodate private and service vehicles.

It is believed the additional car journeys produced by the third property will not be significant and there will, therefore, be no detrimental impact on highway safety.

Taking all the above into consideration, it is believed the proposals accord with the above-mentioned TMBC policies and the NPPF 2021.

Conclusion

In summary and, as demonstrated throughout this document, the proposals have taken into consideration the planning policies and supplementary planning guidance of Tonbridge & Malling District Council, as well as the NPPF and the need to protect and enhance the surrounding Green Belt area. It is acknowledged that TMBC cannot demonstrate an adequate 5 year supply of housing, which means that the presumption in favour of sustainable development is applied.

There will be no detrimental impact on the street scene, or local area character, nor will any neighbouring properties be impacted by overlooking or loss of amenity.

The site is considered to be previously developed land, with two of the three proposed plots being rebuilds of existing properties, whilst the third would be an infill plot, rather than a stand-alone dwelling. The site is located within a ribbon of existing residential development on Riding Lane and, with the possibility of the consented pool houses being built out as a fall-back position, it is considered that the application proposals would not prove any more detrimental to the Green Belt area than the existing arrangements.

It is, therefore, considered that, the proposals are completely appropriate in design and access terms and accord with the policies of Tonbridge & Malling Borough Council and the NPPF. We would, therefore, respectfully ask that the application be supported by Tonbridge & Malling Borough Council.

APPENDIX A

Photographs of the Existing Application Site



View of the front elevation of Russetings from the driveway



Unmade access off Riding Lane leading to Russetings



Rear garden of Russetings



View of rear elevation of Russetings from the rear garden



View of rear elevation of Lytlewood from the rear garden



Rear garden of Lytlewood looking towards the site boundary



View towards rear of Lytlewood with pond in the far distance



View from rear boundary looking towards Russettings



View of poly-tunnel in rear gardens



View looking west to east across the rear gardens of both plots

APPENDIX B

Written Pre-Application Advice



**Planning, Housing &
Environmental Health**

**Development Control
Gibson Building, Gibson Drive
Kings Hill, West Malling
Kent ME19 4LZ**

Telephone 01732 844522
Web Site <http://www.tmbc.gov.uk>
email planning.applications@tmbc.gov.uk

Andrew Wells

Email planning.applications@tmbc.gov.uk
Date 31 March 2023

TM/23/00136/FINF

Date received: 18 January 2023
Enquirer: Andrew Wells
Proposal: Demolition of two existing detached neighbouring residential dwellings known as Lytlewood and Russettings. Erection of three new replacement detached dwellings, with associated access and amenity areas. Please note that, Lawful Development Certificates have been granted on both Lytlewood and Russettings for a stand alone swimming pool building in each of the rear gardens. Copies of the relevant approval notices and site layouts are included within the attached documents for ease of reference
Location: Lytlewood Riding Lane Hildenborough Tonbridge Kent TN11 9LR

Dear Mr Andrew Wells,

Town and Country Planning Acts

Thank you for your pre-application enquiry. Planning is a complex subject matter and in order to present the information as clearly as possible, headings have been used in this letter in order to identify key areas that are relevant to your enquiry.

I must stress that the advice given below is offered on an informal basis only and is given without prejudice, should you choose to submit a formal planning application in the future. It has been offered with the benefit of having visited the site, and I can assure you that it has been evaluated in full awareness of the relevant policy requirements and the local context.

I hope that you find the information given in this letter useful. Please be aware that any further enquiries regarding this matter will be subject to a new fee. I would also take this opportunity to advise that in most circumstances this communication would be subject to disclosure under the Environmental Information Regulations should anyone request it (ie it is subject to Freedom of Information legislation).

1. Description of Proposal:

- 1.1 The development entails demolishing of the existing detached dwellings and associated outbuildings at the site to be replaced with three new houses within their own residential curtilages, together with associated access and parking. The submission suggests the proposed houses would be set back behind a common access road leading from Riding Lane, and the scale, design and height of the proposed houses would be comparable to existing properties on Ridding Lane.
- 1.2 The submission indicates the volume of the existing properties at the site are 585 cubic metres and 664 cubic metres respectively, whereas the volume of the outbuildings is given as 453.90 cubic metres. The scheme sought to incorporate the volume of the two pool houses certified under application reference numbers TM/22/00960/LDP and TM/22/02450/LDP. The volume of each pool house is given as 844 cubic metres and 808 cubic metres respectively.
- 1.3 On the other hand, the volume of the proposed houses would be 1625m³ in the case of House Type A, 1325m³ for House Type B and 1400 m³ for House Type C. This amounts to a total volume of 4350 cubic metres representing a 30% uplift compared with the volume of structures at the site including the certified pool houses. The submission includes retention of the pond located in the southwestern part of the plot. The Proposed Site Plan shows the creation of a common access and exit points for the proposed houses from Riding Lane.

2. The Site:

- 2.1 The application site comprises of a roughly rectangular shaped plot located on the northern side of Riding Lane. The site lies in an area of open countryside designated as Metropolitan Green Belt and contains two detached properties (Lytlewood and Russetings) and associated outbuildings and domestic paraphernalia. The northern site boundary is substantially enclosed by woodland with undeveloped fields characteristic of the wider Green Belt beyond the wooded area. The eastern site boundary abuts the residential dwellings known as 'The Bend and its residential garden, whilst to the west there is an access road that serves properties located beyond the application plot to the northwest. The southern boundary adjoins Ridding Lane.

3. Relevant Planning History:

TM/22/00960/LDP	Certifies	21 June 2022
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Lawful Development Certificate Proposed: Swimming pool building.

TM/22/02450/LDP	Certified	19 December 2022
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Lawful Development Certificate Proposed: erection of a new swimming pool building in the rear garden of the property

4. Relevant Provisions:

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

Tonbridge and Malling Borough Council Core Strategy (September 2007)

Policy CP1 Sustainable Development

Policy CP3 Metropolitan Green Belt

Policy CP14 Development in the Countryside

Policy CP24 Achieving a High-Quality Environment

Managing Development and the Environment DPD (2010)

Policy SQ1 Landscape and Townscape Protection and Enhancement

Policy SQ8 Road Safety

Revised National Planning Policy Framework – NPPF (2021)

Section 2 – Achieving sustainable development

Section 4 – Decision-making

Section 12 – Achieving well-designed places

Section 13 - Protecting the Green Belt

Supplementary Planning Guidance

Kent Vehicle Parking Standards (SPG 4 published in 2003 and adopted in 2006)

KHS Interim Guidance Note 3: Residential Parking

National Design Guide 2021

National Model Design Code 201

- 4.2 The above policies are available to view in full on our website at www.tmbc.gov.uk/developmentplan

5. Officer Advice:

Appropriateness in the Green Belt

- 5.1 The site lies in the Green Belt. Policy CP3 of the Core Strategy sets out that national Green Belt Policy will be applied to the area within which the application site is located. The NPPF (2021) at paragraph 149 explains that the erection of new buildings in the Green Belt should be regarded as inappropriate development. Paragraph 149 -150 includes a closed list of exceptions; one being limited infilling or the partial or complete redevelopment of previously developed land. This exception has two caveats, firstly requiring that it does not have a greater impact on the openness of the Green Belt than the existing development; and secondly requiring that it does not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land (PDL) and contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 5.2 The NPPF (2021) defines previously developed land (PDL) as land which is, or was, occupied by a permanent structure, including the curtilage of the developed land. The application plot comprises of the residential curtilage of the detached properties (Lytlewood and Russetings) located outside of any defined settlement limits. The plot contains two detached dwellings and several low-level structures and some domestic paraphernalia and can thus, be accurately considered as PDL.
- 5.3 It was indicated at our site meeting and in the email received on 29th March 2023, the volume of the proposed houses would be 1625m³ in the case of House Type A, 1325m³ for House Type B, and 1400m³ House Type C amounting to a total volume of 4350 cubic metres for all three houses. This would represent an uplift in volume of approximately 30% when compared with the volume of the existing buildings at the site, including the volumes of the pool houses granted Certificates of Lawfulness (CLD) under application reference numbers TM/22/00960/LDP and TM/22/02450/LDP.
- 5.4 As discussed at our meeting on site, for significant weight to be afforded to a fallback position, there needs to be a reasonable prospect of it being carried out in the event that planning permission were to be refused. In addition, the scheme would need to be equally or more harmful than the scheme for which permission is sought. In this case, whilst both certified schemes would be located towards the rear part of the application site and would be single storey in height, the proposed development would be positioned much forward on the plot, and the separation distances would not be vast.
- 5.5 In terms of visual openness, whilst the proposed development would together result in 30% uplift, its scale and volume would not be significantly more harmful to the openness of the Green Belt than the existing development and certified schemes, when considering that the houses would be contained within the front part of the site thereby preventing the spread of development further into the undeveloped parts of the plot. Moreover, the scheme as proposed would take up a slightly smaller footprint when compared with the footprint of existing development

at the site and the certified scheme. Whilst there would be some spatial effect on openness as a result of introduction of the third house in what is currently the open space between the existing dwellings, this would be tempered by the gaps retained between the houses. Moreover, the houses would be seen as part of the ribbon development along this part of the street.

- 5.6 You are reminded that any application to implement this scheme would be required to prescribe a legal mechanism by which both certified outbuildings would not be built in the event of permission being granted. Whilst a planning condition could be used to removed PD rights, that would not stop both pool buildings being built, and a condition cannot be imposed to prevent a separate (already certified) LDP scheme from being implemented (as that would not meet the relevant tests). Given these factors, it is necessary to propose a s106 agreement or Unilateral Undertaking -UU with any application submitted to implement this scheme to prevent construction of the certified pool buildings.
- 5.7 Taking all the above factors into account, the scheme when assessed against paragraph 149 (g) of the NPPF (2021) would not constitute inappropriate development in the Green Belt, as the fallback scheme is a material consideration of sufficient weight to clearly outweigh any harm to the Green Belt by reason of inappropriateness, and any additional harm identified to the openness of the Green Belt. For this reason, it would likely amount to the very special circumstances necessary to justify the proposed scheme.

Suitability of location for residential development

- 5.8 The site lies beyond any defined development boundary. Accordingly, the site is located within the open countryside. Core Strategy Policy CP14 restricts new development to that within a list of criteria. The objective of this policy is to preserve the character of the countryside and concentrate development in or adjoining existing built-up areas. Exceptions to these strict controls include employment development in rural areas, rural exception sites, buildings for agriculture and forestry, domestic extensions, and replacement buildings. Two of the houses in this application would replace the existing houses and would comply with this policy. However, the inclusion of one extra house means the proposals would fail to fully comply with this policy. Given that the terms of policy CP14 are now inconsistent with the recent provisions of the NPPF (2022), they carry limited weight.
- 5.9 It is acknowledged that TMBC cannot currently demonstrate an up-to-date five-year supply of housing when measured against its objectively assessed need (OAN). This means that the presumption in favour of sustainable development as set out at paragraph 11 of the NPPF (July 2021) is engaged. In undertaking this exercise, it must be recognised that the adopted development plan remains the starting point for the determination of any planning application (as required by s.38 (6) of the Planning and Compulsory Purchase Act 2004) and which is reiterated at paragraph 12 of the NPPF. The consequence of this in these circumstances must

be an exercise to establish conformity between the development plan and the policies contained within the Revised NPPF (2021) as a whole.

- 5.10 As noted above, the site lies in the countryside. Paragraph 80 of the NPPF (2021) makes clear that planning policies and decisions should avoid the development of isolated homes in the open countryside unless very special circumstances exist. In this instance, two of the houses would replace the existing dwellings at the site. Moreover, the site is just over half a mile from the designated Rural Service Centre of Hildenborough in spatial terms, and whilst occupiers of the additional dwelling would be reliant on the private car to access facilities and services, these journeys would be relatively short.
- 5.11 Furthermore, the increase from two to three houses means it is unlikely to generate significant vehicle movements to and from the site. Any reliance on the private car to access services would be unlikely to be detrimental to the local highway network, in terms of its capacity. Moreover, the proposal can provide charging points for electric cars to enable future occupiers of the houses to use cleaner electric vehicles to get to services, which would assist in mitigating any shortfalls in sustainable travel options.
- 5.12 For these reasons, even though the proposal would still be located outside the defined confines of Hildenborough and in the open countryside, it would still be acceptable in terms of its location relative to local services and the ability of future occupants to utilise more sustainable forms of private transport. The development would not result in the creation of an isolated home as far as paragraph 80 of the NPPF (2021) is concerned.

Effects on Residential Amenity

- 5.13 The core principles set out in the revised NPPF (2021) requires development to secure high quality design and a good standard of amenity for all existing and future occupants of buildings. In this respect, the development would provide a good standard of accommodation for future occupants.
- 5.14 The principal doors and windows are indicated to look out onto the front and rear gardens of the application site and would not overlook any neighbour. The gap retained between the proposed houses would be adequate to avoid any unacceptable enclosing impact on these neighbours. No details have been provided of boundary treatment for the site, but this can be considered as part of a landscaping condition. The outdoor amenity space for the proposed houses would be adequate.
- 5.15 In this regard, the development would comply with all relevant provisions of the NPPF (2021), requiring development to secure high quality design and a good standard of amenity for all existing and future occupants of buildings.

Effect on parking and highways safety

- 5.16 The proposal includes provision of a double garage and there would be space in front of the property to create additional off-street parking spaces. There is no reason to think that the development would result in a significant material increase in on street parking demand in the local area. The effect of this proposal in parking terms would be acceptable.
- 5.17 Policy SQ8 of the MDE DPD states that development would only be permitted where there is no significant harm to highway safety. Similarly, paragraph 111 of the NPPF (2021) states that development should only be refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact of the development would be severe.
- 5.18 Access to the application site would be gained via the existing access from Ridding Lane, and visibility splays at the entrance would be required to conform with industry standards. KCC Highway and Transport would be consulted prior to a formal decision being made on the proposal. Owing to the small scale of the proposed development any increase in car journeys that would result from the scheme would not be significant enough to pose any additional highway safety challenges.
- 5.19 On this issue, the proposal is unlikely to give rise to increase on-street parking around the local area or additional highway safety challenges. It is unlikely to conflict with SPG 'Kent Vehicle Parking Standards' (2006), Policy SQ8 of the MDE DPD. The former seeks to ensure development is served by adequate car parking, whilst the latter demands the adverse impacts of development on the wider road network is mitigated.

Effect on biodiversity

- 5.20 Policy NE2 of the MDE PDP seeks to protect conserve and enhance biodiversity of the borough, whilst policy NE3 requires development that would adversely affect biodiversity to only be permitted if appropriate mitigation measures are provided. Similarly, the Revised NPPF (2021) at paragraph 174 directs the planning system to contribute to and enhance the natural and local environment.
- 5.21 The submission includes retention of the pond located in the southwestern part of the plot. The trees located along the site boundaries constitute valuable elements in terms of biodiversity of the site, whilst contributing to the appearance of surrounding area. The scheme would be supported by an Arboricultural Implications Report indicating how the development would affect the trees within the site and those located along the site boundaries.

Overall planning balance

- 5.22 Returning to the principle of sustainable development discussed above, the proposed development having regard to the Core Strategy and the NPPF (2021), would not comprise inappropriate development in the Green Belt. The proposal would be acceptable in terms of its location relative to local services and the ability of future occupants to utilise more sustainable forms of private transport. It would not diminish the standard of living conditions enjoyed by current and future occupants of any neighbouring property or raise overriding parking and highway safety challenges.
- 5.23 The proposal provides the benefit of contribution an additional dwelling to the Borough Council's housing supply at a time when the Council cannot demonstrate a five-year supply of housing, along with the limited economic benefits that would be derived from the construction process.
- 5.24 Taken together, the benefits of granting permission in this instance, would likely significantly and demonstrably outweigh any adverse effects the proposal entails when assessed against the policies of the NPPF (2021) taken as a whole. Accordingly, the proposed development would likely constitute a sustainable form of development for the purposes of the NPPF (2021) and Policy CP14 (Development in the Countryside) of the TMBCS.

6. Submitting a planning application:

- 6.1 Should you wish to submit a planning application, you will need to submit the information detailed in the local validation requirements on our website at www.tmbc.gov.uk/validplanning.

I hope that you find the above information helpful and comprehensive.

Yours sincerely

Francis Amekor

For

Eleanor Hoyle

Director of Planning, Housing and Environmental Health