

Planning Statement

Site: Shiraz Eden, Tinkerpot Lane, West Kingsdown, TN15 6AD

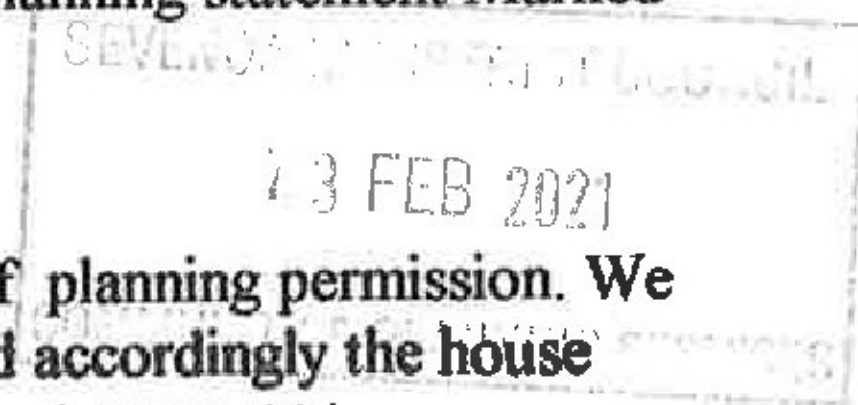
Proposal: Demolished Garages and part demolished newly built Garages.

The site is situated in Tinkerpot lane, West Kingsdown, Sevenoaks. The site was originally known as "Tinkerport Shaw" and was under control of Rural District of Dartford. This part of West kingsdown was later transferred to Sevenoaks District Council, I believe this was taken place in 1974.

This householder application relates to "an existing garage to be demolished, extant permission to build a double garage and a newly built replacement garage". This is a **retrospective application.**

Planning Permission was granted for two garages by the Rural District of Dartford:

1. Description of the proposal was "alteration and extension, new drainage and **double garage**" in January 1965 . REF; TH/5/64/604 (Attached with this planning statement Marked-1, 1A and 2)
2. 2nd one description of the proposal was " erection of a **Private Garage**" in April 1965. REF; TH/5/604A (attached with this planning statement Marked-3 and 3A)



There are no conditions attached to the limit of duration of planning permission. We assumed that the planning permissions were still extant and accordingly the house holder application was made and this application was refused. REF: 20/03552/HOUSE.

Having discussed the matter with the Council's solicitor and the planning officer we understand the Town Planning Act 1968, Section 65 will be applicable.

However, we now had the opportunity to obtain further historical information from the Council and took legal advice. There were some misunderstanding with regards to the " which planning permission belongs to which buildings?" It is now clear that in this case, all the works permitted in January 1965 and in April 1965 were either completed or partially completed.

We will deal with the both planning permissions and their validity:

Item 1.

Planning permission was granted for "alteration and extension, new drainage and double garage" on 7th January 1965, REF; TH/5/64/604 with no condition other than the extension shall be restricted to ancillary to the existing dwelling and Green Belt issues. (Attached the Drawing marked 1A and 2)

We believe this planning (ref: TH/5/64/ 604) is still extant.

In support of this the following information is submitted:

The Town and Country Planning 1990 Act Section 56

The most relevant for the purposes of this development is the carrying out of the operation.

Section 56(4) sets out the meaning of material operation. Material operation means any construction work in the course of the erection of a building; the digging of a trench which is to contain the foundations, or part of the foundations, of a building; the laying of any underground main or pipe of a building; any operation in the course of laying out or constructing a road or part of the road any change in the use of any land which constitutes material development.

As the statutory provisions make clear the works required to commence a development do not need to be extensive. In other words, in the circumstances of the implementation of the 1965 planning permission, very little work needs to be done to implement the planning permission. The right to commence the development by these minimal works is granted by statute and supported by case law.

Case law has established that the digging of a trench may suffice to keep the permission alive even though the intention is not to proceed with the whole of the development immediately even the trenches subsequently backfilled. The pegging out of the line and width of a roadway may be sufficient. In addition the test of colourability no longer applies. In other words, the intention of the developer is not relevant. Statute provides for lesser works which do not amount to a particularly high threshold in order to meet the requirements of statute.

In January 1965, following the grant of planning permission for the alteration and extension, new drainage and double garage, the building works started, extension and the drainage (at the rear) were built.

Given that the planning permission was granted on 7th January 1965, by the virtue of the extension at the rear and the drains were built in accordance with drawing No: and still in use, the permission remain extant. Therefore, no further permission is required to complete the construction of the double garage.

Item 2:

Planning Permission was granted on 13th April 1965 for “the erection of a private garage”, REF: TH/5/64/604A with no condition attached.

This planning permission was implemented as the erection of the garage was completed in accordance with drawing marked -3A and still in use.

It is proposed to demolished the existing Garage for this revised application.

We believe that we have now established the status of the both planning permissions and we have also took notes from the Delegated Report the reason for the refusal.. Therefore we will proceed with the present revised application accordingly.

It is clear from the Delegated Report that most of the Council's policies are met .

The main issue is the amount of the newly built development.

To mitigate this we proposed the following:

- 1. demolish the log storage at the rear.**
- 2. demolish the existing garage (east of the newly built garage)**
- 3. justify the extant permission of the double garage.**

How we calculated the Floor Area:

Newly built Garages and loft space: (Drawing No: TR/04)

Foot print: $9.7 \times 6.5 = 63.05$ sq.m (after demolition of the logs storage)

Loft at 1.5m height: $9.3 \times 4.250 = 39.5$ sq.m

Total Area: $63.05 + 39.5 = 102.55$ sq.m

Existing garage to be demolished as measured on site: (drawing No: TR/06)

$5.3 \times 5.7 = 30.2$ sq.m (site dimension). Also Drawing- TH/5/64/ 604A

Extant permission , It is reasonable to assume the size of the double garage)

Also Council's delegated report, under the heading "conclusion on very special circumstances" in 1st paragraph suggested two garages- 6m x 6m and 5.2 x 4.5m)

$6 \times 6 = 36$ sq.m

Total foot print = $30.2 + 36 = 66.21$ sq.m

Total foot print is less than the foot print of the newly built building, deducting the logs storage area.

In addition we believe this house holder will be allowed 40 sq.m in accordance with the policy GB3 as the out building is more than 5m from the existing dwelling.

Therefore, total foot print is: $66.21 + 40 = 106.21$ sq.m.

This is also less than the total floor are of the newly built building (excluding log storage).

Let us look at the volume of the buildings:

Newly built: 63.05×3.7 (average height reduce ground level) = 233.28m³.

(see drawing No: TR/04). If you take the height 4.5m (lowest part of the original ground level at the front) that would be $63.05 \times 4.5m=283.7m^3$

Existing garage + extant permitted garage + 40m² (Policy GB allowed)

106.21×2.65 (average height of a garage, drawing no: TR/06)) = 281.45m³

Therefore the volume would be only 2.27m³ less than the newly built building.

In addition we would like to request to consider the area of the demolished building at the north of the existing dwelling. This out building must have been demolished between October 2016 and August 2017 that is only 10 months prior to the present owner's possession. All the photographic evidence was submitted with the previous application.

Newly built garage has the foot print of 63.05m² and some useable habitable space in the roof void which would be used by the applicant's mother and this would be ancillary to the existing dwelling. **This is now confirmed by the applicant with Statutory declaration (Attached to this Planning statement, Marked-4)).** The new building is built on a reduce level of the original ground level and the eaves height is only 1.7m from the original ground level and 3m away from the rear boundary (see drawing No.TR/04 Section and the photograph was submitted with the previous application)

The land is in Green Belt and the protection of openness and the visual impact are the most fundamental issues.

With regard to the openness, it is considered that the amount of built development and the level of parking provision is both proportionate and essential to the proposed use, given that any harm arising as a consequence is out weighted by the very special circumstances, such as replacement of existing building with same use.

Strength here is that there are already buildings on site, which already have an impact. The proposal used the reduced level of existing contours and layout, including the foot print of the building and its location within the site to minimise impact.

The impact on the openness would further mitigated by the existing hedgerows, hedgerow trees around the building and the whole site. It is considered that the level of activity which would not have any undue impact on the openness of this part of the Green Belt.

We believe we have now demonstrated that the present revised submission will have very little effect on the openness of the green belt. However, we will leave this to the discretion of the Council.

But the building is a replacement of existing garage and the use of extant permission of a double garage and the applicant had taken some costly measures for the construction to mitigate any impact to the Green Belt or any adjoining properties.

I believe that the application is submitted in good faith with very strong evidence and would request the council to take balanced pragmatic view so that this application could succeed.

Amar N Ghosh. Dip. Arch. RIBA.
Chartered Architect.
February 2021

Attachment : 1,1A,2 and 3,3A and 4

D.C.3.

Reference Code
of Application TR/5/64/604.....

COUNTY OF KENT

~~REP~~ ~~KILHAMPTON DISTRICT~~/RURAL DISTRICT OF..... DARTFORD.....

TOWN AND COUNTRY PLANNING ACTS

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER, 1963.

Notification of Grant of permission to Develop Land subject to conditions

To:— D.C.S. Firbank Esq.,
Tinkerpot Shaw,
Tinkerpot Lane,
Woodlands, Sevenoaks, Kent.

TAKE NOTICE that the DARTFORD RURAL DISTRICT

Council, in exercise of its powers delegated by the Kent County Council, the local planning authority under the Town and Country Planning Acts, HAS GRANTED PERMISSION for development of land situate at Tinkerpot Shaw, Tinkerpot Lane, West Kingsdown,

and being alterations and extension, new drainage and double garage

referred to in your application for permission for development dated the Thirtieth day of October 19 64, Reference Code TR/5/64/604.

SUBJECT TO THE CONDITIONS specified hereunder:—

the occupation of the extension shall be restricted to purposes ancillary to the existing dwelling "Tinkerpot Shaw";

and that the grounds for the imposition of such conditions are:—

the unrestricted use of the extension would be contrary to the provisions of the Kent Development Plan (Part B) which includes the site within an area of Great Landscape Value forming part of the Metropolitan Green Belt where only development directly related to agriculture or forestry shall in general be permitted in order to preserve an area of mainly open country available for the recreation and enjoyment of those living in heavily built up areas and to provide a barrier to the further outward growth of the metropolis.

Dated this

4th day of

January

19 65 .

Address: WHITE OAK,
SWANLEY,
KENT.

(Signed)
Clerk of the District Council.

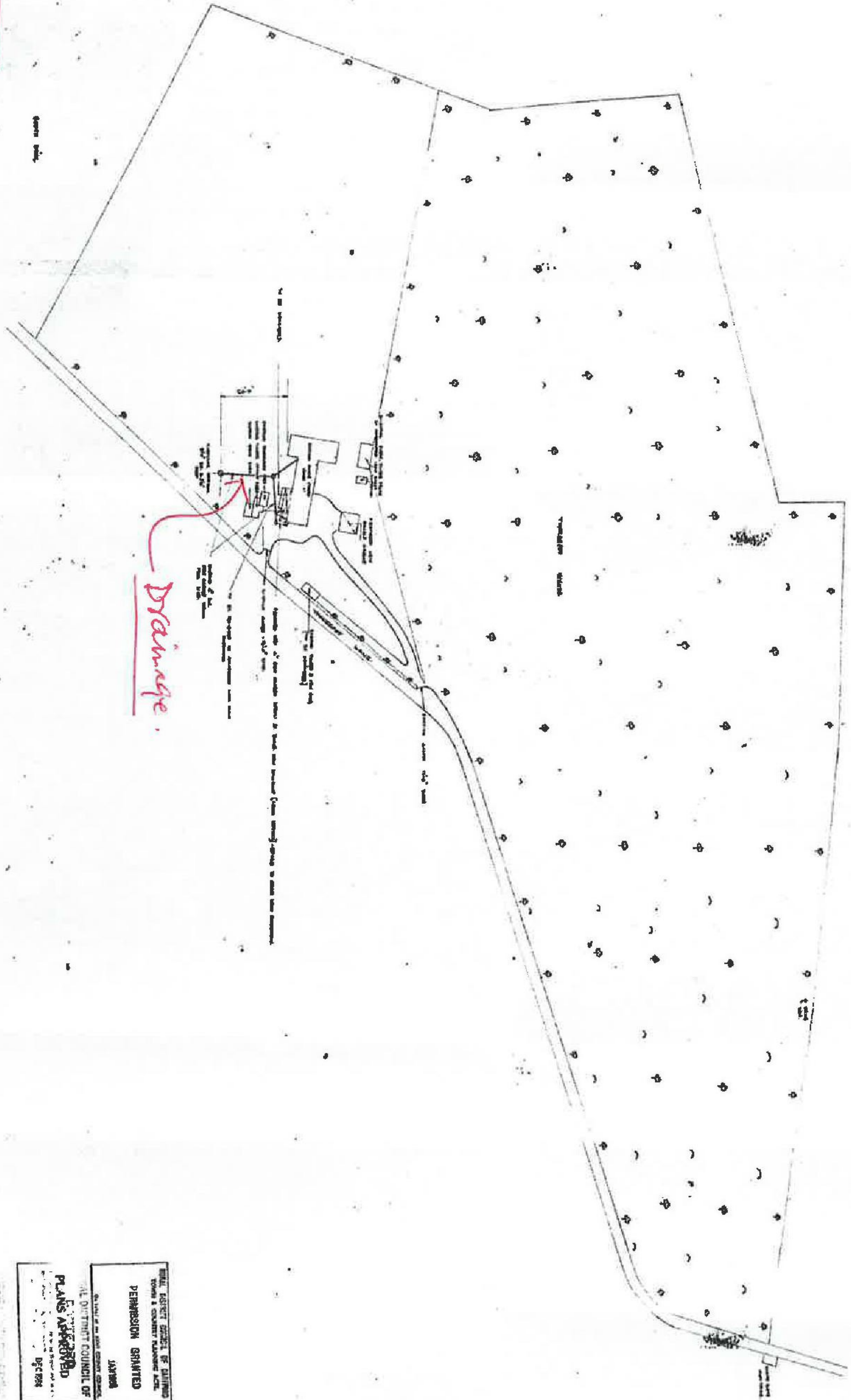
YOUR ATTENTION IS DRAWN TO THE NOTES OVERLEAF.

This is a preliminary plan for the proposed subdivision of the land shown on this plan. It is subject to the approval of the Council of the County of Los Angeles and the State Department of Public Safety. It is not to be construed as a guarantee of any kind.

5/64/604



MARKED-1A



Drainage

SMALL DISTRICT COUNCIL OF CALIFORNIA
TOWNS & COUNTY PLANNING ACT
PERMISSION GRANTED
JAN 1968
ALL DISTRICT COUNCIL OF
PLANS APPROVED
DECEMBER

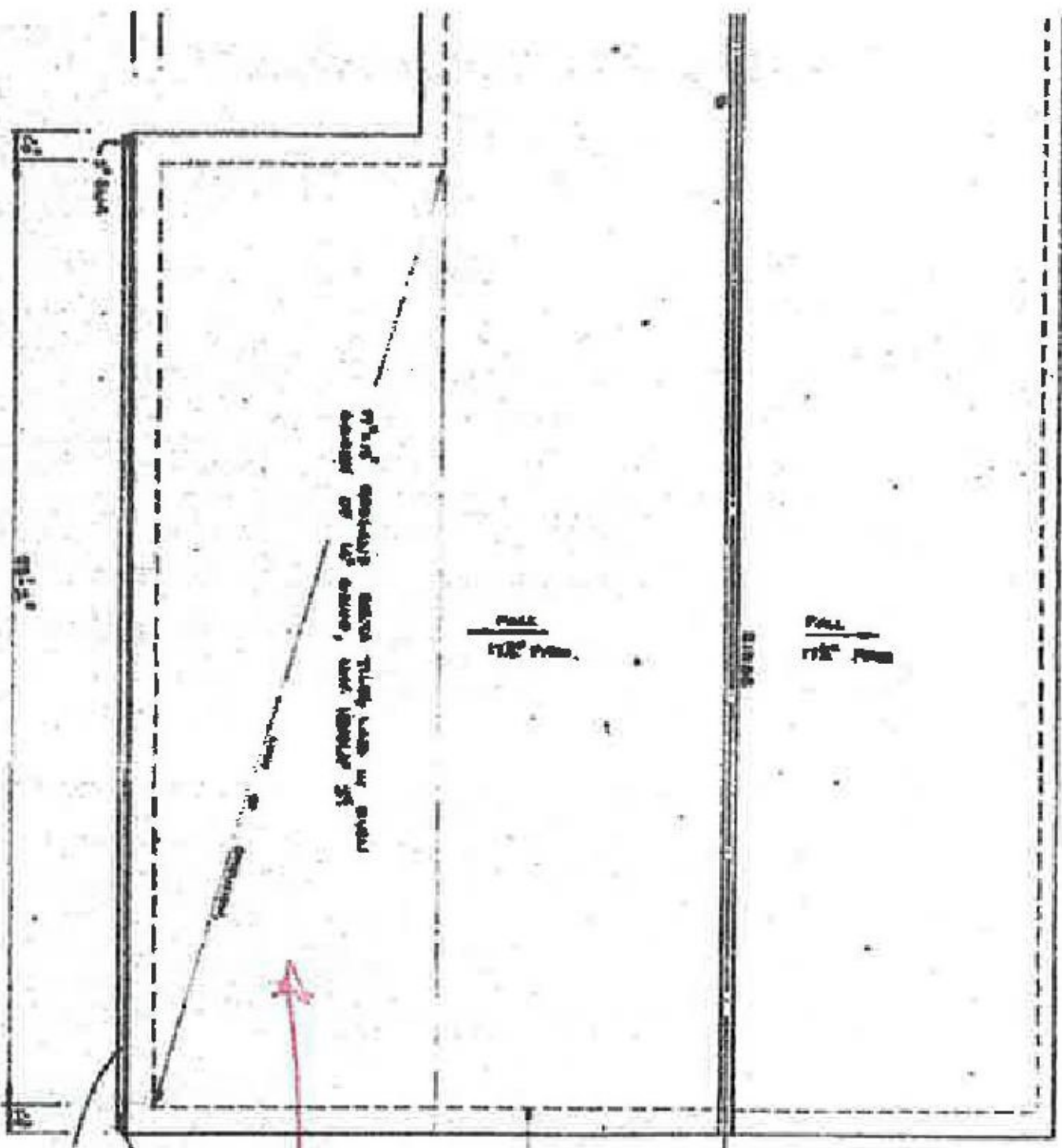
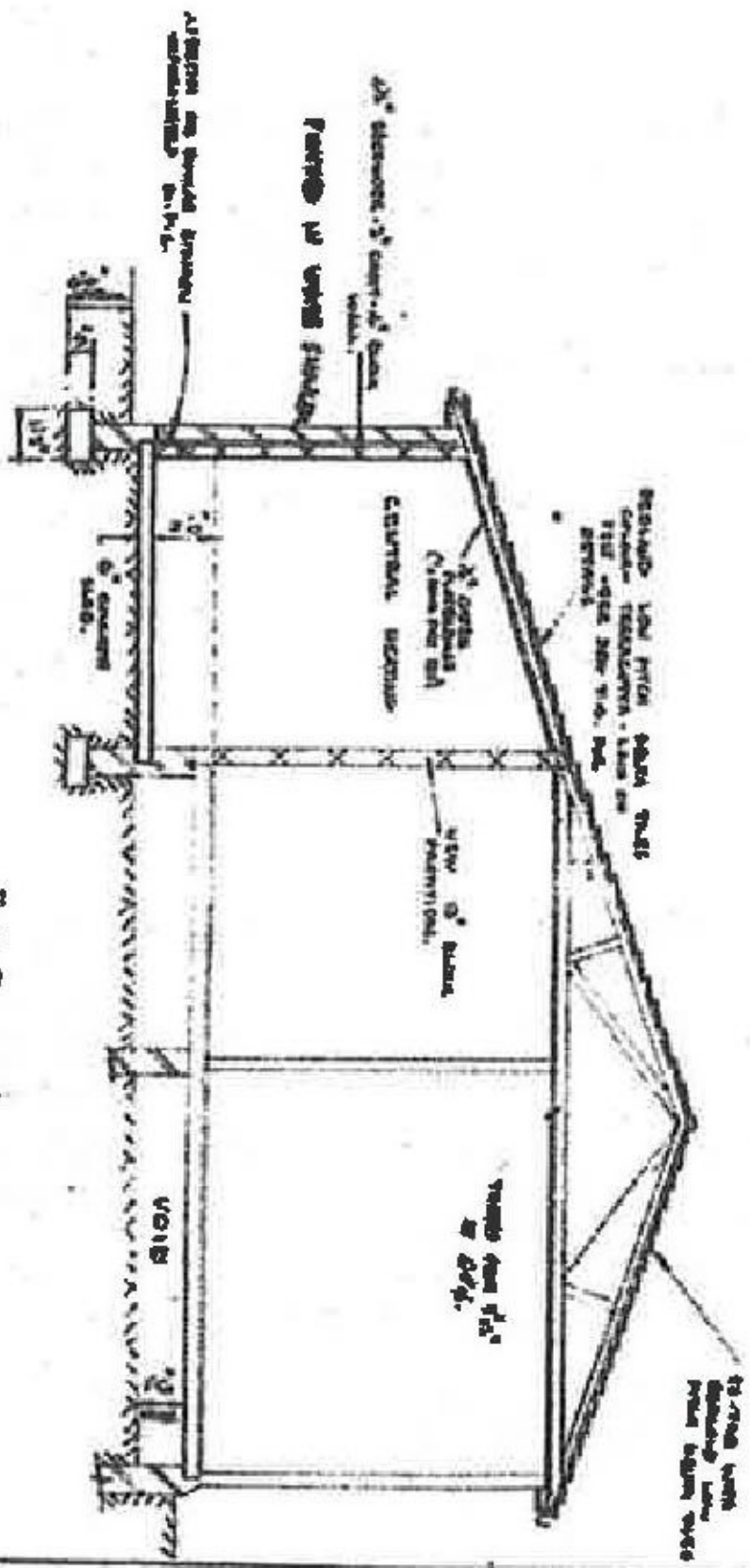
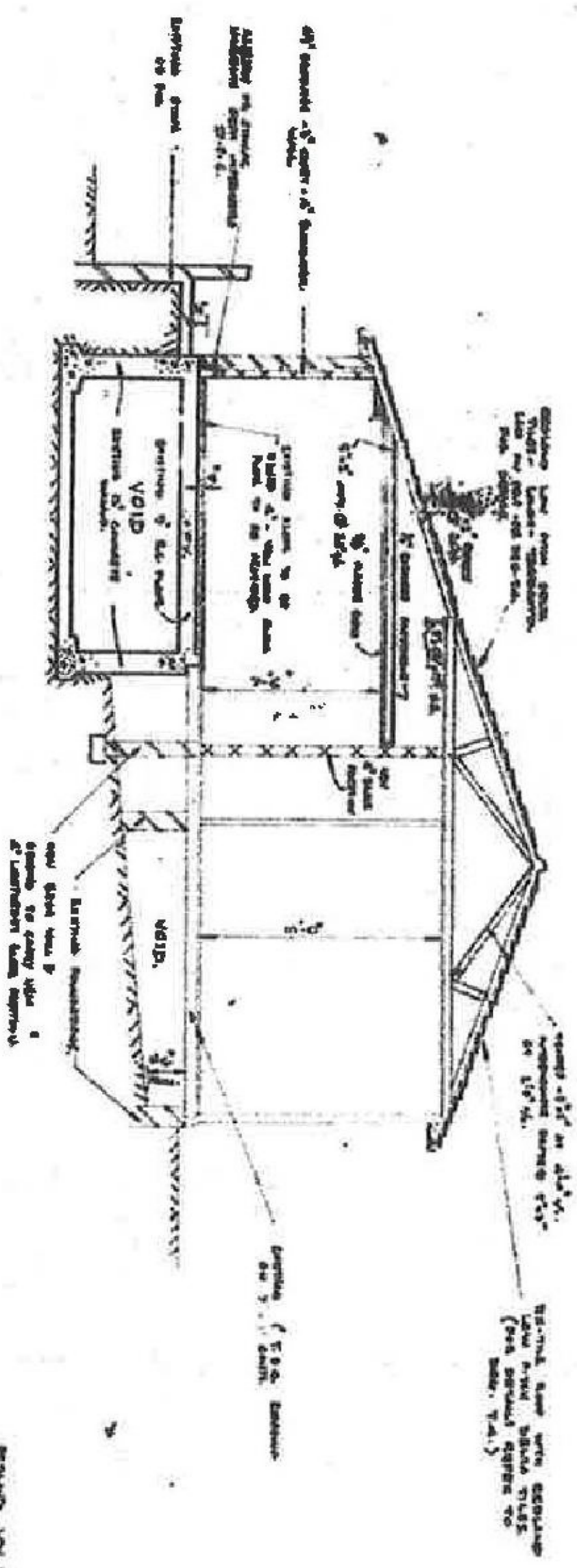
REVISIONS
NO. 1
DATE
BY
CHECKED BY
DATE

1/1/68
DO NOT SCALE
DRAWING

NOTES:
 1. This drawing is for the purpose of showing the location of the proposed structure and is not to be construed as a guarantee of the accuracy of the information shown hereon.
 2. The applicant is responsible for obtaining all necessary permits and approvals from the appropriate authorities.
 3. The applicant is responsible for providing all necessary information and data for the preparation of this drawing.

MARKED-2

NOTE:
 DO NOT SCALE FROM THIS DRAWING



Extension

DISTRICT COUNCIL OF EASTPORT
 TOWN & COUNTY PLANNING ACTS
 PERMISSION GRANTED
 JAN 1963
 DISTRICT COUNCIL OF
 EASTPORT
 PLANS APPROVED
 DEC 1961

REVISIONS:
 PROPOSED ORIGINALLY & SECTION OF A HOUSE PLAN
 DATE: 06-25-62
 DRAWING NO: 1-2
 SCALE: 1/8\"/>

D. G. F. FINE

TH/5/ 64/604 JK

SCOPE PLAN

Reference Code
of Application TH/5/64/604A ..

COUNTY OF KENT

9

~~BOH~~ ~~IGILLURBAN DISTRICT~~ RURAL DISTRICT OF..... DARTFORD

TOWN AND COUNTRY PLANNING ACTS.
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER, 1963.

Notification of Grant of permission to Develop Land

To:— D.C.S. Firbank Esq.,
Tinkerspot Shaw,
Tinkerspot Lane,
Woodlands,
West Kingsdown,
Sevenoaks, Kent.

TAKE NOTICE that the DARTFORD RURAL DISTRICT Council, in exercise of its powers delegated by the Kent County Council, the local planning authority under the Town and Country Planning Acts, HAS GRANTED PERMISSION for development of land situate at Tinkerspot Shaw, Tinkerspot Lane, West Kingsdown,

and being the erection of a private garage in accordance with your application for permission for development dated the Eleventh day of February 19 65.

Reference Code TH/5/64/604A

Dated this 13th day of April 19 65.

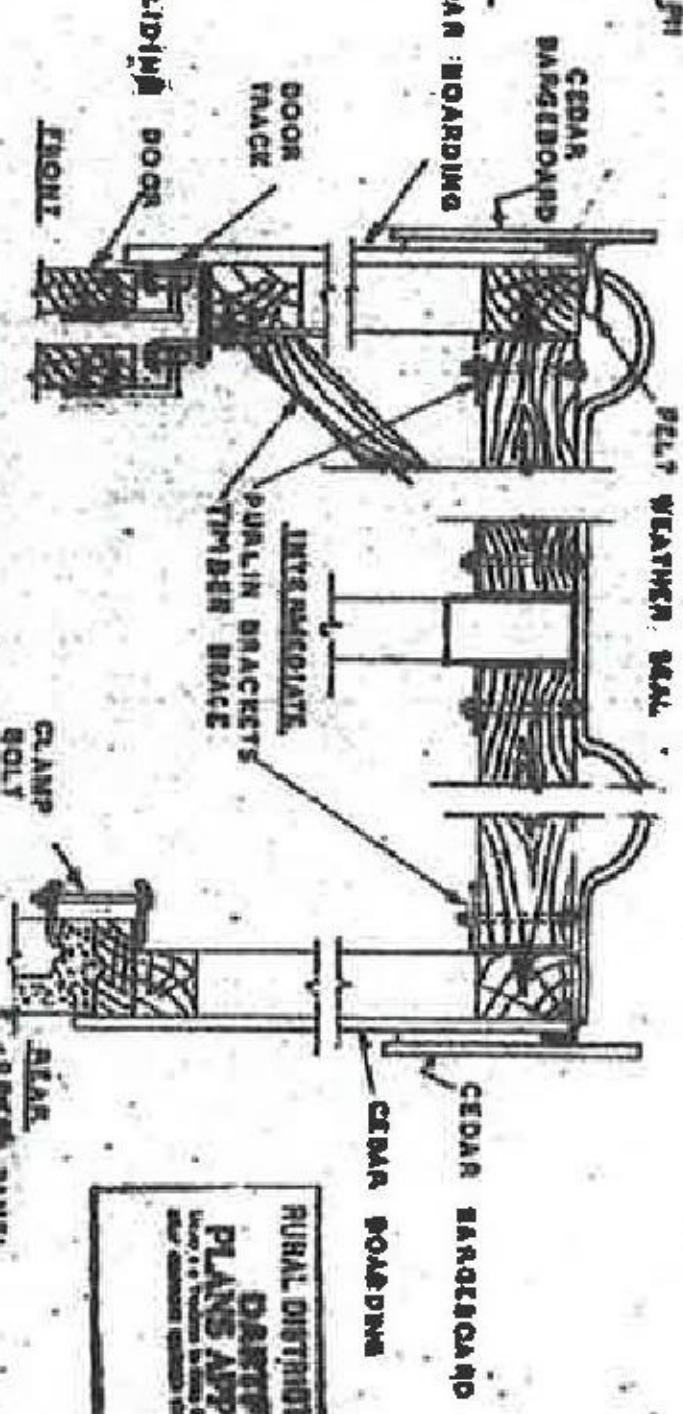
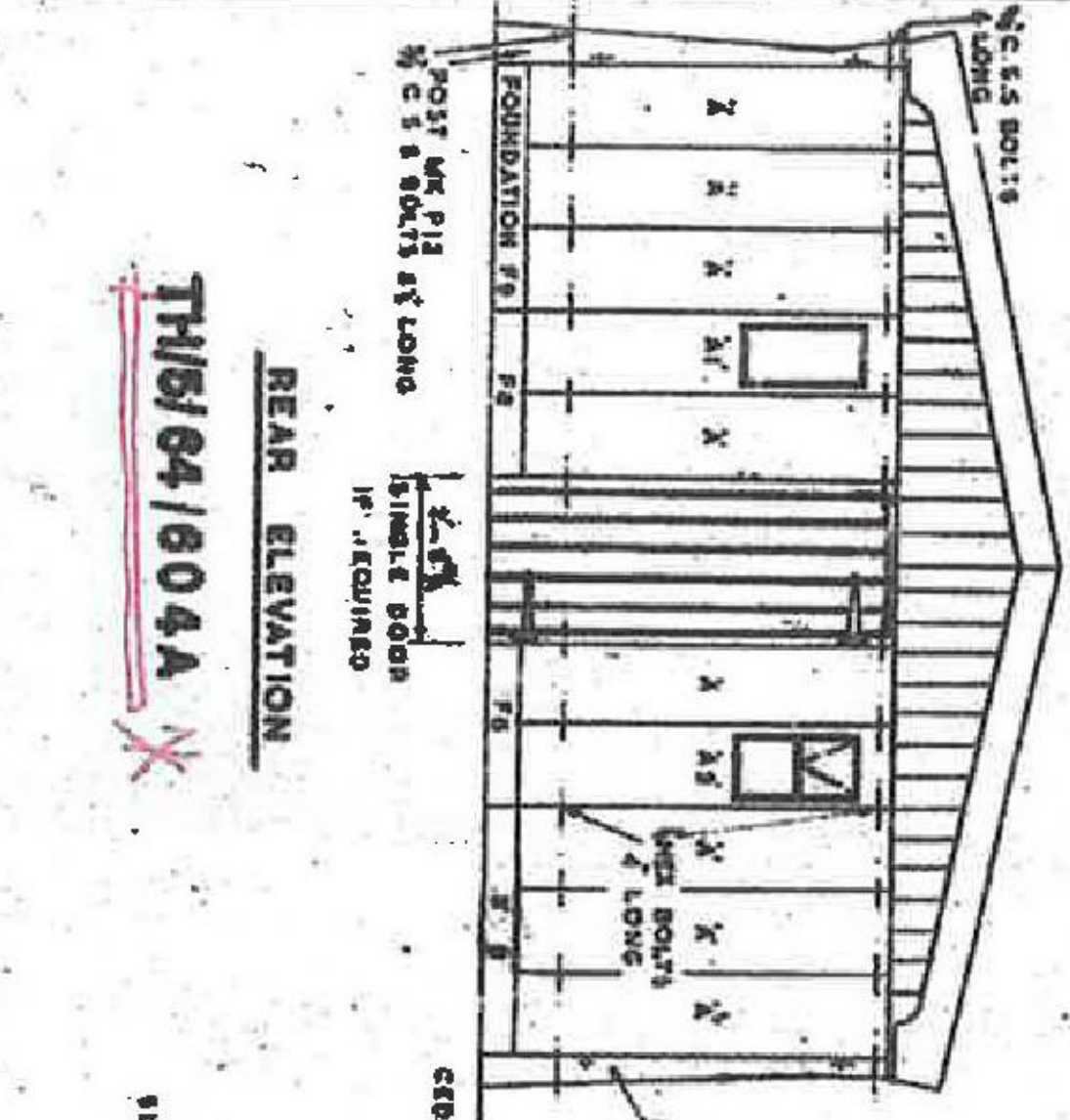
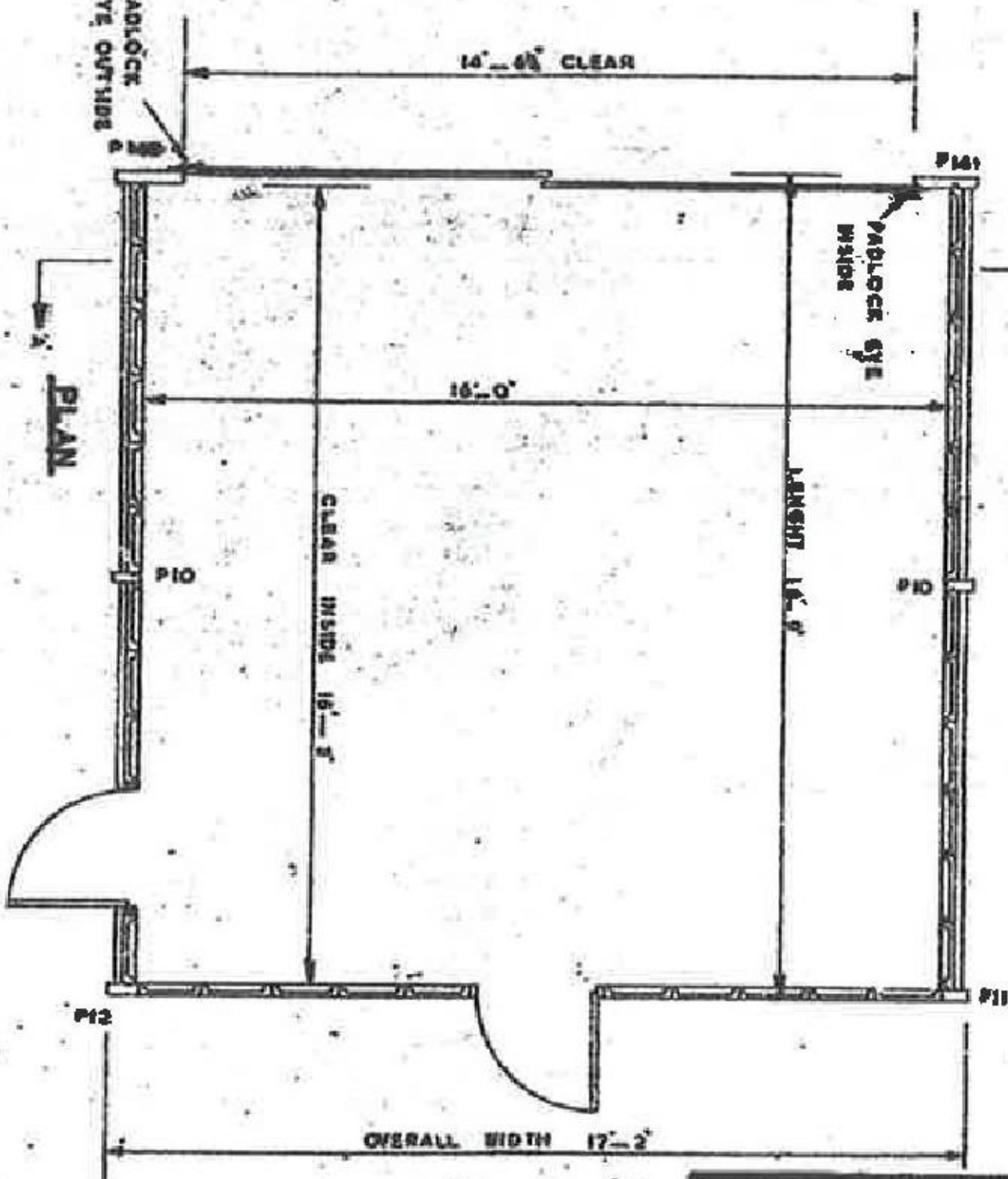
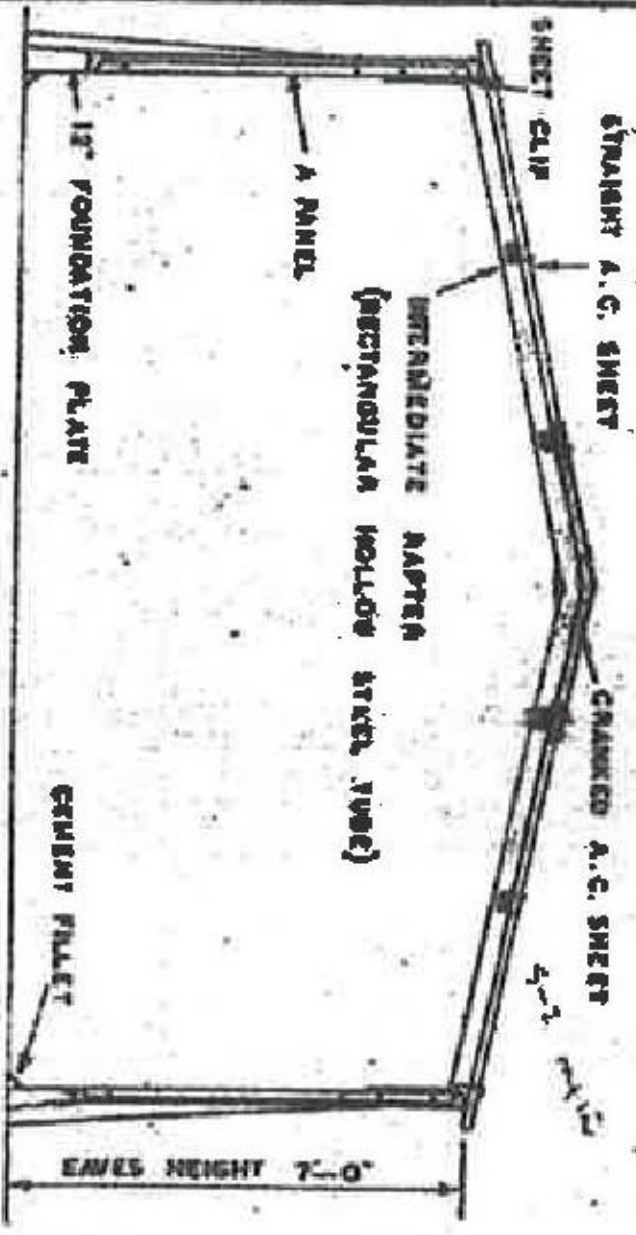
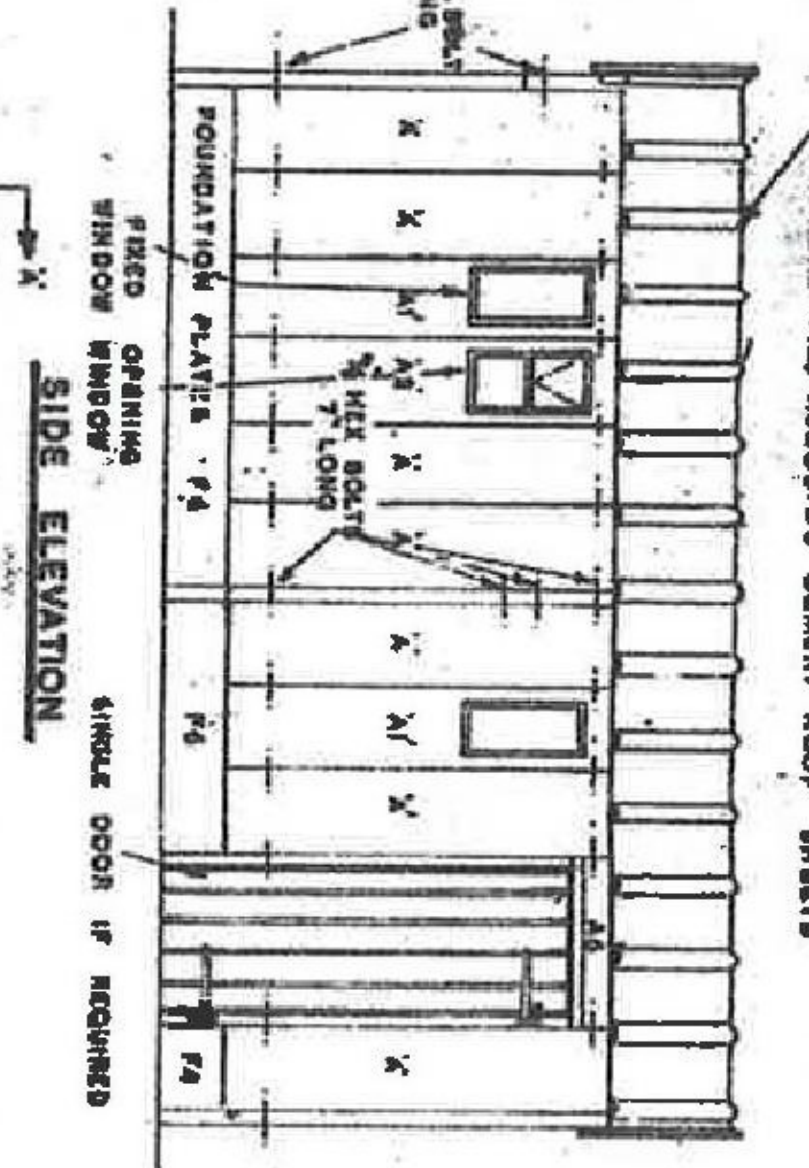
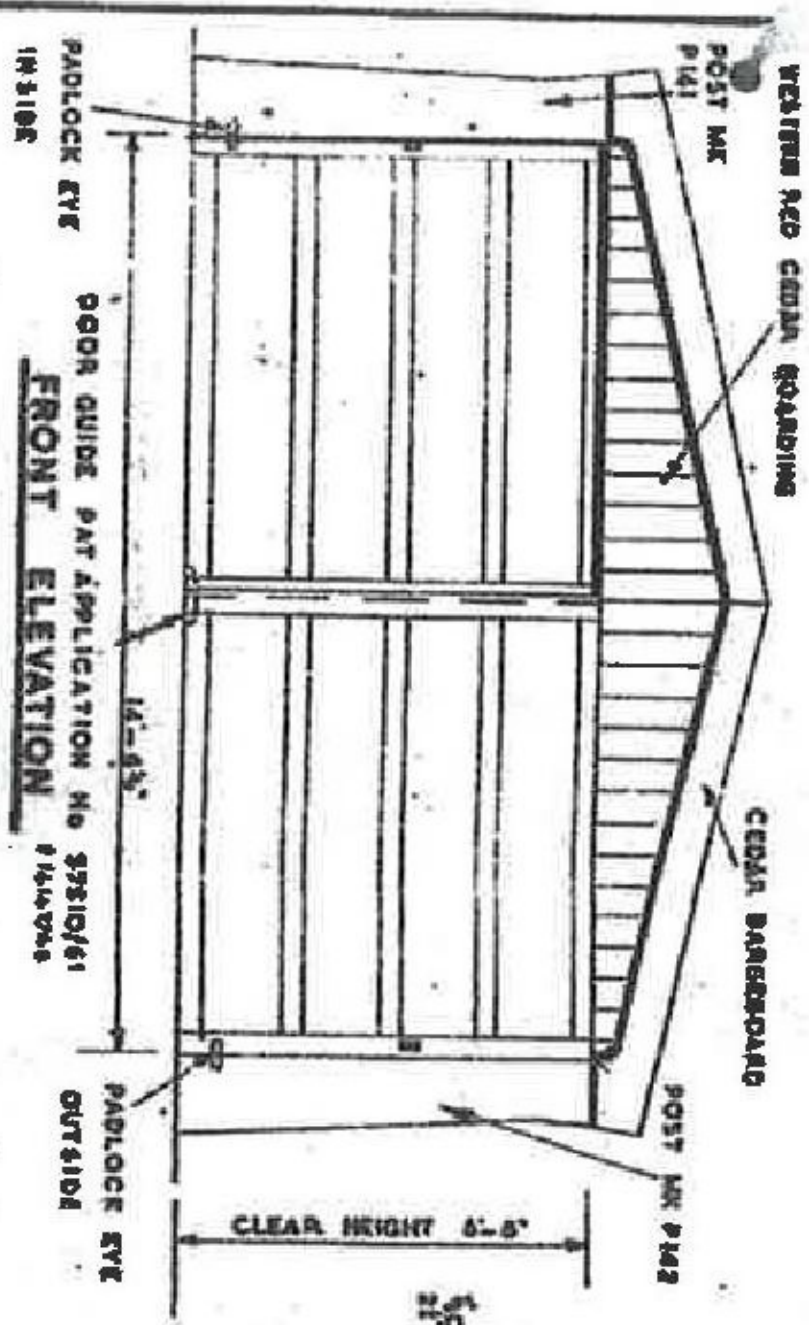
Address: WHITE OAK,
SWANLEY,
KENT.

(Signed).....
Clerk of the District Council.

Note:—The permission referred to above is confined to permission under the Town and Country Planning Acts, and the Town and Country Planning General Development Order, 1963, and does not obviate the necessity of compliance with any other enactment, bye-law, or other provision whatsoever or of obtaining from the appropriate authority or authorities any permission, consent, approval or authorisation which may be required.

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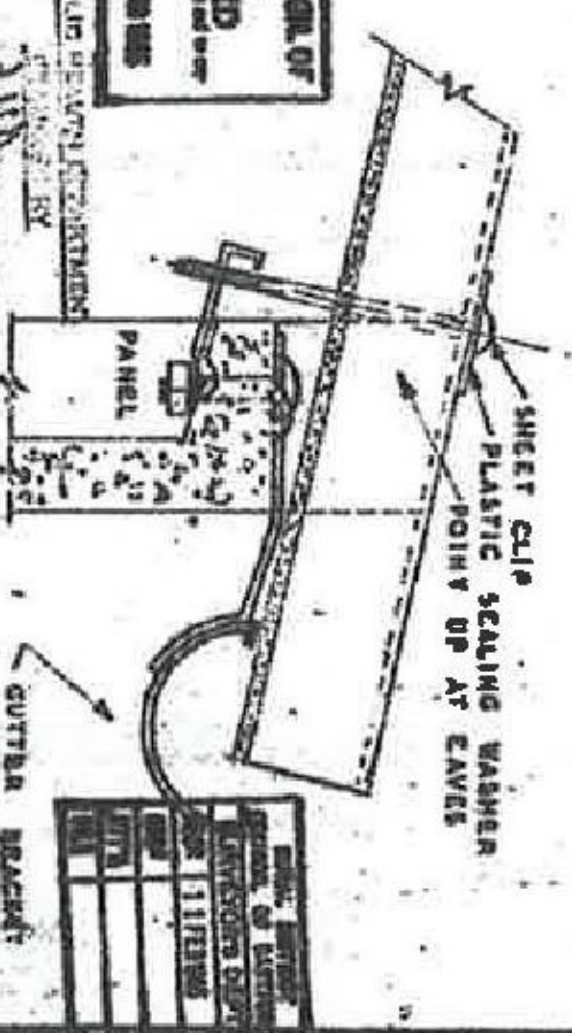
MARKED-3A



TH/61/64/604A

NOTE THE 1/4" LEAD MAY BE INCREASED OR DECREASED IN INCREMENTS OF 1/8". ALL PANEL JOINTS ARE TONGUED AND GROOVED TO FORM WEATHER BAR. PANELS ARE INTERCHANGEABLE SO THAT WINDOWS MAY BE POSITIONED WHERE REQUIRED. TRAYS AT PANELS INCORPORATING FIXED WINDOWS ARE PROVIDED AS A STANDARD. AS PANELS INCORPORATING TOP OPENING WINDOWS MAY BE INCLUDED AS AN EXTRA IF REQUIRED. SINGLE DOORS REPLACE TWO PANELS AND MAY BE LOCATED TO SUIT REQUIREMENTS, BUT MUST BE RELEASED ONE PANEL AWAY FROM ANY POST.

ASBESTOS ROOF AT EAVES



RURAL DISTRICT COUNCIL OF DARTMOUTH PLANS APPROVED

DATE	11/11/88
BY	11111111
CHECKED	
DATE	

DRAWN	S.T.G.	DATE	
CHECKED	A. B. B.	DATE	
DATE	20.1.92	DATE	

MARLEY CONCRETE LTD.

MARLEY MAJESTIC GARAGE

STATUTORY DECLARATION

JAMES TR
I, Terry/Robert of Shiraz Eden Tinkerpot Lane West Kingsdown TN15 6AD

SOLEMNLY and SINCERELY DECLARE as follows:

The newly built garages, storage at ground floor and the space at the loft will be solely used for my family, and this building will be used as ancillary to the host building as an Annex.


My father recently passed away and my mother is now living in her house on her own. I am the only son and I would like my mother to live with my family. I feel that my mother would be much happier rather than staying at care home.


This loft space is designed to have living accommodation as shown on the drawing which will be solely used by my mother so that she can live close to us as we know that she would not be happy in a care home.

AND I make this Solemn declaration conscientiously believing the same to be true by virtue of the Statutory Declarations Act 1835

Signed 

JAMES
TERRY/ROBERT

Declared at *Sevenoaks, Kent* 

This *9* day of *FEBRUARY* 2021 

Mrs. Jane E. Whiting
Solicitor

A Commissioner for Oath/ Solicitor to administer Oath

**Baker Macdonald Solicitors
The Old Bat and Ball
St John's Hill, Sevenoaks
Kent TN13 3PF**