



planning  
transport  
design  
environment  
infrastructure  
land

Lawful Development Certificate for Ridley Farm, Ash

May 2021 MG/RT/15659

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# 1 Overview

## 1.1 Introduction

- 1.1.1 This statement accompanies an application for a Certificate of Lawfulness of Existing Use for the implementation of planning permission ref: 19/01405/FUL at Ridley Farm, Ash, Kent, TN15 7EY. The planning permission relates to the demolition of the existing barns and the erection of two dwellings with associated parking, amenity space and landscaping. The application is made on behalf of our client, Mr D Cooper.
- 1.1.2 This statement provides supporting information to the application and has been prepared to bring together and explain the evidence submitted in support of the application. It is to be used by the Local Planning Authority, its consultees on the application and any interested members of the public.

## 1.2 Background

- 1.2.1 The application site is located within Ridley Farm, which is situated to the south-west of Meopham (approximately 3km) and to the west of South Street (approximately 1.7km). The surrounding area is predominantly open countryside.
- 1.2.2 The buildings at the centre of this application are both single storey and of simple form; with a steel frame and fibre cement panelling to the elevations and roof, typical of agricultural buildings. The buildings are accessed via Bunkers Hill.
- 1.2.3 The site sits to the east of Ridley Farm, with agricultural fields to the South and east of the buildings. Land immediately surrounding the existing buildings is currently used for grazing by sheep. The buildings sit within a mix of domestic curtilage and farmyard with Bunkers Hill forming the northern boundary of the site. The northern boundary is well defined by existing mature vegetation and hedgerow. To the west of the application site is the main dwelling at Ridley Farm, whilst to the south-west is the Studio.
- 1.2.4 The application site is located to the south of Bunkers Hill Road. The proposed site is approximately 4.5km away from the A20 and 5km away from the M20 motorway; both in the south west direction.
- 1.2.5 The site is approximately 5.8km away from Meopham railway station, which provides routes from Rochester to London Victoria. There are a number of bus stops located approximately 1.8km east of the site at Culverstone Green (21-minute walk) providing bus routes to nearby villages and towns.
- 1.2.6 The site falls within flood zone 1 according to the Environment Agency Flood Risk Map. In addition, there is no listed buildings on or in proximity to the site.
- 1.2.7 The application site falls within the Metropolitan Green Belt. It does not fall within a Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC) or Special Protection Area.

### 1.3 Background to the site

1.3.1 There have been numerous planning applications on Ridley Farm, however, the applications and a prior approval consents specific to this site, and which are important for consideration of this lawful development certificate are outlined below.

**15/02222/PAC:** Prior notification for a change of use from agricultural use to a dwelling house (use Class C3) and associated operational development. This application is made under class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 was granted 8<sup>th</sup> September 2015.

**17/02399/FUL** – Change of use and conversion of a building to provide a single dwelling with associated landscaping. Granted 4<sup>th</sup> October 2017.

**18/01511/PAC** – Prior notification for a change of use from agricultural use to dwelling and associated operational development. This application is made under Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015. Prior Approval Not Required 28<sup>th</sup> June 2018.

**19/01405/FUL** – Demolition of existing barns and erection of two dwellings, with associated parking, amenity space and landscaping. Granted 19<sup>th</sup> August 2019.

1.3.2 The last application on the site is the one most pertinent to this LDC application. It is notable that none of the conditions on the consent are pre-commencement and therefore, the works have been started on site. However, for the avoidance of doubt, the applicant is aware of the requirement of other conditions attached to the consent, which require submission of further details either prior to occupation and/or completion of the development.

### 1.4 Procedural Matters

1.4.1 The NPPG confirms that while the burden of proof in lawful development applications lies firmly with the applicant, the relevant test is the “balance of probability” rather than the more onerous “beyond reasonable doubt” test under criminal law.

1.4.2 As the NPPG sets out, a local planning authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is or would be lawful. Planning merits are not relevant at any stage in this particular application or appeal process.

1.4.3 Section 56(2) of the Town and Country Planning Act (1990) states that development is to be taken to be begun on the earliest date on which any ‘material operations’ comprised in the development begins to be carried out.

1.4.4 Section 56(4) of the Act outlines that a ‘material operation’ means:

- (a) Any work of construction in the course of the erection of a building
- (aa) Any work of demolition of a building
- (b) The diggings of a trench which is to contain the foundations, or part of the foundations of a building

- (c) The laying of any underground main or pipe to the foundations, or part of the foundations, of a building or to any such trench as mentioned in paragraph (b)
- (d) Any operation in the course of laying out of construction a road or part of a road
- (e) Any change in the use of the land which constitutes material development

## 1.5 Case on behalf of the Applicant

1.5.1 The main issue for consideration in relation to this application and the submitted evidence includes:

- Commencement of development through the digging of foundations
- Commencement of development through the installation of drainage and pipework
- Photographic evidence of work undertaken

### Foundations

1.5.2 As confirmed by section 56(4)(b) and in relation to Section 56(2) of the Act, a material operation' for the commencement of development can involve the digging of a trench which is to contain the foundations, or part of the foundations of a building.

1.5.3 The planning permission on site is for the construction of 2 dwellings in the place of two existing barns. **Appendix 1** provides photographic evidence of the foundations that have been dug on site to date, which will be fundamental to the construction of the new dwellings. **Appendix 2** provides a Foundation Report, following an inspection by MLM, who are the appointed Building Control surveyors. The foundations from Barn A to B are each 9m, totalling 18m of foundations dug to date.

### Drainage and Pipework

1.5.4 The applicants have now commenced drainage works and new drainage runs have been installed. **Appendix 3** - Drains Report, shows that the surface water foul drainage has been installed to satisfactory standard.

1.5.5 As highlighted by section 56(4)(c), a material operation for the commencement of development can involve the laying of any underground main or pipe to the foundations.

1.5.6 It is clear that the evidence submitted at Appendix 2 and 3, that the above works have been undertaken and therefore further reinforces that the permission has been implemented on site.

Photographs

- 1.5.7 Submitted with this application (**Appendix 4**) are a number of photographs in support of the reports in relation to the installation of pipework and the digging of the foundations. It can therefore be confirmed that works onsite have commenced.

**1.6 Conclusions**

- 1.6.1 In light of the evidence submitted, it is clear that the permission in question has been lawfully implemented and that the landowners are now able to complete the development at their leisure. Accordingly, in line with the provisions of the Act and the NPPG, it is requested that a Lawful Development Certificate be issued for the existing operations as described.

# APPENDIX

1



**Photographs of Foundations and Drainage**



# APPENDIX

2



# Inspection Notes

MLM Reference:	898492		
Project:	Construction of 2 new dwellings		
Site address:	Ridley Farm, Bunkers Hill Road, Sevenoaks, Kent, TN15 7EY		
Inspection Date:	9 September 2020	Issued Date:	10.10.20
Inspection Type:	Commencement	Weather:	Clear and dry
Contact on Site:	Dean Cooper		
<p>Elements Inspected:</p> <ol style="list-style-type: none"> <li>Excavations to rear of Units 1 and 2 (for the purpose of this report, Unit 2 is closest to Bunkers Hill Road)</li> <li>Ground conditions on site are of very sandy clay with a small pocket of chalk found in the LHS of the rear of Unit 1; see photos below.</li> <li>Excavations for both units have been taken to a minimum depth of 1100mm with 800mm of concrete proposed.</li> <li>There is a nearby silver birch tree in close proximity to Unit 2 RHS elevation. This does not impact on the required foundation depth at this location based on NHBC 4.2 guidance.</li> </ol>			
<p>Outstanding Items:</p> <ol style="list-style-type: none"> <li>No adverse comments, reinforcement to be laid in base of excavations where chalk pocket has been found to account for varying ground bearing pressures. Photos to be provided prior to concrete pouring.</li> </ol>			
Next Inspection Stage:	Drainage		
Surveyor:	Shaun O'Neill		

Note: This inspection report is restricted to requirements covered by Building Regulations current at that time. It does not constitute evidence that the Building Regulations have been satisfied until a Completion/Final Certificate has been issued for the project. It remains the responsibility of the person carrying out the work to ensure that the work complies with the Building Regulations.

Unique Inspection No: 1716440.doc



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Photographs:

1. Unit 1 LHS from rear elevation – pocket of chalk found



2. Unit 1 rear elevation – chalk and very sandy clay



3. Unit 1 RHS from rear elevation – very sandy clay



4. Unit 2 LHS from rear elevation - very sandy clay



5. Unit 2 rear elevation - very sandy clay



6. Unit 2 RHS from rear elevation - very sandy clay



APPENDIX

3



# Inspection Notes

MLM Reference:	898492		
Project:	Construction of 2 new dwellings		
Site address:	Ridley Farm, Bunkers Hill Road, Sevenoaks, Kent, TN15 7EY		
Inspection Date:	29 September 2020	Issued Date:	01/10/20
Inspection Type:	Drains 1	Weather:	sunny
Contact on Site:	Tom		
<p><b>Elements Inspected:</b></p> <p>New drainage runs installed. The surface water drainage has already been covered over with shingle, foul drainage visible. All appears to be installed to an appropriate fall with a manhole at change of direction.</p> <p>It was confirmed that the foul will go to a Klargestor or similar and the rainwater will discharge into the rear field.</p> <p>Tom confirmed he has been carrying out flow test as he goes, confirmed drains test will be required once complete.</p>			
<p><b>Outstanding Items:</b></p> <p>1 NA as works ongoing</p>			
Next Inspection Stage:	As per contact plan		
Surveyor:	Michael Nicholson		

Note: This inspection report is restricted to requirements covered by Building Regulations current at that time. It does not constitute evidence that the Building Regulations have been satisfied until a Completion/Final Certificate has been issued for the project. It remains the responsibility of the person carrying out the work to ensure that the work complies with the Building Regulations.

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Photographs:

1.



2.



3.



4.

