



Tudeley Brook Stables, Crittenden Road,
Matfield, Tonbridge TN12 7EW

Planning Statement

11-13 High Street | Tunbridge Wells | Kent | TN11UL
January 2024



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1.0 Introduction

Planning permission was refused by Tunbridge Wells Borough Council under 23/00175/FUL for the conversion and partial demolition of an existing redundant stable building to form a single dwellinghouse with associated parking and ecological enhancements.

The application was refused for the following reasons:

1. The details submitted in support of the application fail to adequately demonstrate that the building is capable of conversion into residential properties without excessive works and alterations that would constitute a new dwelling in the countryside. The proposed development is therefore contrary to Policies LBD1, EN1, EN25 and H13 of the Tunbridge Wells Local Plan 2006 and Core Policies 1, 4 and 14 of the Tunbridge Wells Core Strategy 2010.
2. The proposed development would result in the creation of a new dwelling within an area at high risk of flooding. The application has failed to adequately demonstrate that future residents and the proposed dwelling would be appropriately flood resistant. The benefits of single dwelling are not considered to outweigh this harm, The proposed development is therefore contrary to Policy EN18 of the Tunbridge Wells Local Plan 2006, Core Policy 5 of the Tunbridge Wells Core Strategy 2010 and Paragraphs 159, 162, 163, 164 and 167 of the National Planning Policy Framework 2021.

This application is a resubmission of this previous application, which has been amended to overcome these reasons for refusal.

2.0 Site Location and Existing Building

The application site relates to a stable building located to the south of Crittenden Road, accessed via a private track. The site is located within a rural setting, albeit there are a small number of properties located to the north of the application site. The stable block, subject of this application, is rectangular in shape and constructed of brick, blockwork, concrete, timber and metal sheeting. It is a predominantly single storey building, but includes a section which includes a mezzanine floor.

The site is located outside of the Limits to Built Development (LBD) and within the High Weald National Landscape. The site also falls within Environment Agency Flood Zones 2 and 3 and a Strategic Flood Risk Area. The site is adjacent to the Historic Farmstead of Badsell Park Farm or Home Farm (Bogs Hole) and there are two Grade II Listed Buildings located to the north of the site (Badsell Park Farm Oast and The Farm House situated approximately 60m to the north of the application site). Crittenden Road is also a designated Rural Lane.

3.0 Proposals

The application seeks permission to convert the stable building into a single dwelling. A small section of the existing structure is proposed to be demolished. The property is proposed to be finished in timber cladding with a zinc roof. The proposal also includes the use of the land immediately around the building to provide an enclosed private curtilage area. No alterations are proposed to the site's existing access point and a parking area is proposed to the front. Ecological enhancements are proposed in the form of a wildflower meadow along with additional planting. The boundaries of the site are proposed to be marked with post and rail fencing. The ground floor of the property is proposed to comprise an entrance hall, home office, utility/boot room, bathroom, lounge, three bedrooms (one of which has an en-suite) and an open plan kitchen/dining/living space. The mezzanine level is proposed to host a fourth bedroom, which includes an en-suite and dressing space.

4.0 Planning History (most relevant)

23/00175/FULL

Refused 24 March 2023

Conversion and partial demolition of an existing redundant stable building to form a single dwellinghouse with associated parking and ecological enhancements

5.0 Relevant Planning Policy

The National Planning Policy Framework (NPPF) December 2023

National Planning Practice Guidance (NPPG)

Tunbridge Wells Borough Core Strategy 2010:

Core Policy 1: Delivery of Development

Core Policy 3: Transport Infrastructure

Core Policy 4: Environment

Core Policy 5: Sustainable Design and Construction

Core Policy 6: Housing Provision

Core Policy 14: Development in the Villages and Rural Areas

Tunbridge Wells Borough Local Plan (LP) 2006:

Policy LBD1: Development Outside the Limits to Built Development

Policy EN1: General Development Control Criteria

Policy EN8: Outdoor Lighting

Policy EN13: Tree and Woodland Protection

Policy EN18: Flood Risk

Policy EN25: Development Control Criteria for all Development Proposals affecting the Rural Landscape

Policy H13: Conversion of Rural Buildings to Residential Use Outside the Limits To Built Development

Policy TP4: Access to the Road Network

Policy TP5: Vehicle Parking Standards

Supplementary Planning Documents: Rural Lanes SPD

6.0 Analysis

Principle of Development

The site lies outside of the Limits to Built Development (LBD) and within the countryside, and the High Weald National Landscape, where there is a general presumption against development. Policy LBD1 states that outside the LBD development will only be permitted where it would be in accordance with all relevant local plan policies.

Since the time of considering the previous planning application (23/00175/FULL), the National Planning Policy Framework has been updated (December 2023). This has resulted in a change to housing land supply.

Where Councils have an adopted plan that is less than 5 years old, which identifies at least a five-year supply of specific, deliverable sites at the time that its examination concluded, paragraph 76 of the NPPF does not require them to demonstrate a five-year housing land supply.

Paragraph 77 of the NPPF requires all other Councils to identify and update a supply of specific deliverable sites to provide either a minimum of five years' worth of housing or a minimum of four years' worth of housing if the provisions of paragraph 226 apply.

Paragraph 226 of the NPPF requires Councils with an emerging local plan that has been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need, to provide a minimum of four years' worth of housing (potentially with a 20% buffer).

TWBC's Local Plan is currently at Regulation 19 stage. They have identified a housing land supply of 4.29 years, when calculated over a five-year period. There is some dispute at present as to how this policy was intended to work with calculating a four-year supply of housing. If the intention for calculating a four-year housing land supply is to continue to calculate it over a five-year period, then TWBC are currently in a position where their policies are up to date. In light of this, paragraph 11 (c) of the NPPF requires development proposals to be approved where they accord with an up-to-date development plan.

Policy H13 supports the conversion of rural buildings to residential use, where the bulk, form, general design, materials and scale are in-keeping with its surroundings. Policy H13 does not exclude buildings on aesthetic grounds, but it has been accepted that the building has settled into the surrounding rural landscape and is typical of the type of building found in the area. In light of this, the general principle of the development is considered to accord with national and local planning policy.

Assessment against Policy H13 and Visual Impact

Policy H13 of the Local Plan relates to the conversion of rural buildings to residential use. The policy states:

‘Outside of the Limits to Built Development the change of use or conversion to residential use of a building whose loss would be detrimental to the character of the countryside, or a building whose form, bulk, general design, materials and scale is in keeping with its surroundings, will only be permitted provided all of the following criteria are satisfied:

1. The building would be capable of conversion without extensive alteration or rebuilding and/or extension;
2. The conversion can be achieved without detrimental effect on the building’s fabric or character;
3. The creation of a residential curtilage, access and car parking facilities could be achieved without harm to the character of the countryside;
4. The Local Planning Authority is satisfied that, in the case of a recently constructed building, there was a genuine agricultural justification for the erection of the building originally;
5. Re-use of the building for economic development purposes would be inappropriate by reason of its location or its scale or design; and
6. The conversion would meet an identified local need for housing which does not conflict with a need to retain local employment opportunities, and is in a location that has good accessibility to a range of services in a nearby settlement.’

Criteria 1 & 2 of H13 require that the building would be capable of conversion without extensive alteration or rebuilding and/or extension; and that the conversion can be achieved without detrimental effect on the fabric or character.

One of the reasons why the previous application (23/00175/FULL) was refused was:

The details submitted in support of the application fail to adequately demonstrate that the building is capable of conversion into residential properties without excessive works and alterations that would constitute a new dwelling in the countryside. The proposed development is therefore contrary to Policies LBD1, EN1, EN25 and H13 of the Tunbridge Wells Local Plan 2006 and Core Policies 1, 4 and 14 of the Tunbridge Wells Core Strategy 2010.

The Building Report submitted with the previous application indicated that the stable building is structurally sound, albeit there is some minor neglect throughout parts of the building. It also confirmed that the introduction/retention of a mezzanine level can be introduced/retained with the existing columns both internal and external having adequate capacity to accommodate such an additional load. Officers concluded from that report and from visiting the site that the structure is in a reasonable condition. The Officer Delegated Report however set out Officer concerns that the Building Report did not adequately consider the proposed works required to convert the building into a dwelling, including the work required to accommodate flood mitigation measures.

Since the previous application was refused, an additional Structural Survey has been prepared by a qualified Structural Engineer. This has fully considered the work required to convert the building into a dwelling, including the measures proposed to mitigate against flooding. It adequately demonstrates that the existing structure can fully accommodate the work required in order to allow the building to be converted into a habitable dwelling, and does not require excessive re-building. In light of this, the proposal complies with Policy H13, criterion 1 & 2.

Criterion 3 of Policy H13 requires the creation of the curtilage, access and car parking facilities to be achieved without harm to the character of the countryside. It is proposed to create a residential garden to the rear of the site, and the curtilage has been kept tight around the building and defined by post and rail fencing and the retention of existing boundary treatment, along with new planting. Parking in association with the proposal will be provided using existing hardstanding, and therefore this will not be detrimental to the surrounding countryside. The proposed layout of the site remains the same as proposed under the previous application (23/00175/FULL), and Officers were supportive of this aspect of the proposal.

Criterion 4 of Policy H13 is not relevant to the proposal. In terms of Criterion 5, it was recognised when considering the previous application that the conversion of the building into office accommodation would result in an increase in vehicle movements to and from the site, which would be detrimental to the surrounding highway network. There would also be a requirement for more parking than with a residential use, which would be harmful to the rural locality.

Officers were satisfied with the previous application that the proposed development would not be considered to have a detrimental visual impact upon the sites setting within the AONB. This proposal does not propose anything to alter this, and it is considered that the proposal complies with paragraph 182 of the NPPF.

Residential Amenity

Policy EN1 of the TWBLP requires proposals to not result in significant harm to the residential amenities of adjoining occupiers. The overall layout and the design of the proposal have not been amended from the previous proposal. There have been no changes to neighbouring properties to affect the Officers assessment that the proposed development would be considered to preserve the residential amenities of all nearby properties, and that acceptable living conditions would be created within the proposed dwelling.

Highway Safety and Parking

It is proposed to use the existing access and access track to provide access to the proposed dwelling, and provide three parking spaces and vehicle turning on the existing hardstanding. It is therefore considered that the proposal accords with Policy TP4, TP5 and TP6 of the Local Plan, along with paragraph 115 of the NPPF.

Flooding & Drainage

The application site is located within Environment Agency Flood Zones 2 & 3.

The second reason for refusal of the previous application was:

“The proposed development would result in the creation of a new dwelling within an area at high risk of flooding. The application has failed to adequately demonstrate that future residents and the proposed dwelling would be appropriate flood resistant. The benefits of single dwelling are not considered to outweigh this harm, The proposed development is therefore contrary to Policy EN18 of the Tunbridge Wells Local Plan 2006, Core Policy 5 of the Tunbridge Wells Core Strategy 2010 and Paragraphs 159, 162, 163, 164 and 167 of the National Planning Policy Framework 2021”.

Annex 3 of the National Planning Policy Framework (Flood risk vulnerability classification) sets out that ‘Buildings used for dwelling house’ fall within the ‘More Vulnerable’ category. Table 2 sets out that proposals for development within Flood Zone 3a that fall within the ‘More Vulnerable’ Category, will need to be subject to the Exception Test.

The Exception Test should only be applied if the Sequential Test has shown that there are no reasonably available, lower-risk sites.

This application relates to a change of use is for a development type that is exempt from the Sequential Test, as specified in footnote 60 of the National Planning Policy Framework.

Exception Test

The Exception Test requires two additional elements to be demonstrated (as set out in paragraph 170 of the National Planning Policy Framework) :

- a) development that has to be in a flood risk area will provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

In terms of wider sustainability benefits, this proposal seeks to retain an existing rural building, which contributes to the surrounding rural locality, the principal of which is supported by national and local planning policy. The proposal will also result in short term employment benefits, in terms of providing jobs during the construction works.

In terms of point b) of the Exception Test, further advice has been sought from the Environment Agency (Appendix 1). This demonstrates that they are satisfied that the development will be safe for its lifetime, subject to:

- the finished floor level for the entire ground floor being raised to at least 600mm above 1%AEP 35% CC flood event in the first instance, but if it is not possible to raise all finished floor levels to a suitable level (not only sleeping accommodation), evidence should be provided as to why this is not possible;
- the implementation of a demountable flood gate Nautilus System complying with the relevant British Standards and the proposed flood mitigation measures as a whole comply with the code of practice for property flood resilience (C790F) together with an assessment by a structural engineer that the building can withstand the hydrostatic or hydrodynamic pressure from the Nautilus system at 1% AEP + 35% CC level.

The accompanying updated Flood Risk Assessment sets out that “there is no flooding for the 5% AEP event. However, in the 1% AEP + 35% CC, the flood level is estimated at 35.25mAOD, which is 0.84m above the existing ground floor levels. However, the first floor would be able to be set at 37.11m AOD, which is 1.86m above the 1% AEP 35% Climate Change level. This will enable the sleeping accommodation to be set safely above the predicted flood levels. The average ground level surrounding the existing building is 34.42mAOD, which could be reduced as part of the development proposals to be 0.15m below the current slab level of 34.41mAOD.

Whilst it is noted that the Environment Agency has advised that ideally the finished floor level of the entire ground floor should be raised to at least 600mm above the 1% AEP 35% CC flood event, this would mean that sufficient daylight and outlook could not be achieved to the living areas with the current design. If the design is amended to overcome this problem, this would result in a design that does not reflect the rural character of the building, and would therefore be contrary to Policy H13 of the TWBLP.

It is therefore proposed to install a new floor slab and waterproof reinforced concrete external flood protection wall, along with demountable flood barriers (Nautilus 400) to any door openings and any other relevant areas of the building as illustrated in the flood defences plan in the flood risk assessment. It is also proposed to introduce a private flood warning alarm system to warn residents of rising water levels at the earliest opportunity, providing sufficient time to evacuate the property. As the Structural Engineer notes within their report “The layout of the property would ensure that sleeping accommodation was at a raised level of at least 35.85m” (ie, 600mm above the 1% AEP 35% CC flood event).

The proposed Nautilus 400 de-mountable flood gates are Environment Agency approved and have been designed to meet the British Standards Institution (BSI) requirements and comply in accordance with testing and certification of a flood resistance measure which conforms specifically with the requirements of BS 851188 – 1:2019 – Flood resistance products. Building products, and BS 851188 – 2:2019 - Flood resistance products. Perimeter barrier system.

The Structural Engineer has assessed the impact of installing these on the structure of the building, and considers that the building can withstand the pressure, in combination with the proposed reinforced flood protection wall. The Structural Engineer has also confirmed that the need to produce a flood resilient property can be carried out without structural alterations to the main fabric of the building and can be sympathetically incorporated within the building envelope.

It is noted from the Officer Report relating to the previous proposal (23/00175/FULL) that it was stated that “The proposal would require future residents to exit via a relatively narrow and partly unsurfaced private track, which would also not be most suitable for emergency vehicle access. The proposal is therefore considered to fail to comply with the provisions of Paragraph 167 of the NPPF.”

The track up to the Barn is fully tarmacked (see Appendix 2) and there is also a proper area of hardstanding where vehicles of all sizes can turn. Further, where the track switches from tarmac, it is laid with a proper stone and subbase (done c 2019). The access track is used regularly by full sized agricultural vehicles and

over time has been used by full sized (non-articulated) HGVs, including in connection with the construction of the tennis court to the south of the application site (ref. 12/00345/FULL) and the conversion to a residential dwelling of The Workshop (ref. 16/502305/FULL) in 2016, which is c. 200m further down the track to the southwest of the application site along the same private access (note: John Bullock Design also acted in relation to that successful application). Therefore, it is considered that there is adequate access for future residents and emergency vehicles in accordance with paragraph 173 (previously para 167) of the NPPF.

The application is supported by a Flood Evacuation Report. The Environment Agency are responsible for issuing flood warnings, and therefore future occupants would need to sign up to the Environment Agency's flood warning alert service.

If a flood warning is received, residents would need to evacuate straight away, along the private access road (which lies outside of Flood Zone 3), to a place of dry land in Flood Zone 1.

In light of this, it is considered that this application overcomes the second reason for refusal of the previous planning application, and demonstrates that the future residents would be safe from flooding, and the proposed dwelling would be appropriately flood resistant.

7.0 Conclusion

The proposal is a resubmission of the previous application, which was refused planning permission by Tunbridge Wells Borough Council.

A further Structural Survey has been carried out, which sets out the work required to convert the building into habitable accommodation, and concludes that the existing building can fully accommodate this work without excessive rebuilding, and therefore the proposal complies with Policies LBD1, EN1, EN25 and H13 of the Tunbridge Wells Local Plan 2006, and Core Policies 1, 4 and 14 of the Tunbridge Wells Core Strategy 2010.

Since the previous application, further discussions have been had with the Environment Agency. Whilst it is not possible/ practicable to raise the remainder of the ground floor living space by over 0.84metres, it is proposed to create a new floor slab and waterproof reinforced concrete external flood protection wall, along with demountable flood barriers to be installed on any new door openings(which are fully compliant with the relevant British Standards and code of practice for property flood resilience). This demonstrates that the building and future residents would be flood resilient. The Structural Survey confirms that the existing structure can structurally withstand the proposed flood mitigation works. In light of this, the proposed development accords with Policy EN18 of the Tunbridge Wells Local Plan 2006 and Core Policy 5 of the Tunbridge Wells Core Strategy 2010.

In light of this, the proposal demonstrates that the previous Reasons for Refusal can be sufficiently overcome, and that the proposed conversion complies with relevant national and local planning policy.

Appendix 1 – Further Correspondence With The Environment Agency

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Jonathan Coddington
Badsell Park Farm
Crittenden Road
Matfield
Tonbridge
TN12 7EW

Our ref: KT/2023/130932/01-L01 /
ENVPAC/1/KSL/00664
Your ref: Tudeley Brook Stables

Date: 23 August 2023

Dear Jonathan,

Conversion and partial demolition of an existing redundant stable building to form a single dwelling house with associated parking and ecological enhancements.

Tudeley Brook Stables Crittenden Road, Matfield, Tonbridge, TN12 7EW.

Thank you for your request for charged advice regarding the above site, and for meeting with us on 17 August.

Please see our comments with respect to this site below:

Exception test

As per Paragraph 164 of the National Planning Policy Framework (NPPF), development classed as "more vulnerable" located in Flood Zone 3 is required to pass the exception test, which is formed of two parts.

Our comments on the proposals relate to the second part of the exception test, regarding demonstration the development is safe. The local planning authority must decide whether or not the proposal provides wider sustainability benefits to the community that outweigh flood risk.

Finished floor levels

We note it is currently proposed to raise ground finished floor levels for the sleeping accommodation at least 600mm above the 1% AEP 35% CC flood event. In the first instance, the finished floor levels for the entire ground floor should be raised the same level.

This is in line with the [Flood Risk and Coastal Change](#) section of the Planning Practice Guidance, Paragraph 4, which states "Passive measures should be prioritised over active measures as they are likely to be more effective and more reliable." Additionally, the Tunbridge Wells SFRA (2019) guidance states "Finished Floor Levels (FFLs) should be set to the higher of a minimum of 600mm above the 1 in 100-year (1% AEP) plus climate change peak flood level I, or 300 mm above the general ground level of the site.

customer service line 03708 506 506
gov.uk/environment-agency

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If this is not possible to raise all finished floor levels to a suitable level (not only sleeping accommodation), evidence should be provided why this is not possible in any submitted flood risk assessment.

Proposed flood barrier system

In our meeting on 17 August, the following points were highlighted:

- The proposed bespoke flood de-mountable flood gates Nautilus system 400 designed to be 1.2 m height, shall meet the British Standards Institution (BSI) requirements and comply in accordance with testing and certification of a flood resistance measure which conforms specifically with the requirements of BS 851188 – 1:2019 – Flood resistance products. Building products, and BS 851188 – 2:2019 - Flood resistance products. Perimeter barrier system.
- The Code of practice for property flood resilience C790F, published by CIRIA, includes measures that reduce the risks to people and property. All the proposed flood mitigation measures shall meet the guidance requirements. The guidance can be found and downloaded for free from CIRIA website. Please follow the link [here](#)
- Due to the proposed 1.2 m height of the bespoke Nautilus de-mountable flood gates, the hydrostatic and hydrodynamic pressures can be significant for the proposed building. In this case the building shall be assessed by a structural engineer to determine if the building can withstand to hydrostatic or hydrodynamic pressures from a greater height of 600mm flood water levels.

In a future planning application, we would expect to see details regarding the points highlighted above, in order to agree that the proposed flood risk mitigation measures included in the design will satisfactorily address flood risk and the future occupants can remain safe for the entire lifetime of the development

Closing comments

Please note that the view expressed in this letter is a response to a pre application enquiry and does not represent our final view in relation to any future planning application made in relation to this site. We reserve the right to change our position in relation to any such application. You should seek your own expert advice in relation to technical matters relevant to any planning application before submission.

Should you have any queries regarding this response, please contact me.

Yours sincerely,

George Goodby
Sustainable Places Planning Specialist



customer service line 03708 506 506
gov.uk/environment-agency

Appendix 2 – Photographs of the Existing Track Up To The Barn





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