HILDENBOROUGH PARISH COUNCIL

Pavilion and Recreation Ground – Riding Lane – Hildenborough – TN11 9HY telephone: 07818 329029
Email: clerk@hildenboroughparishcouncil.gov.uk
Website : www.hildenboroughparishcouncil.gov.uk

MINUTES

PLANNING COMMITTEE

Held on 9th November 2026

Present

Cllrs – Wills, Sklavenitis, Haugh, Leeson, Batchelor

Louise Jenner Parish Clerk

1. **Apologies for Absence**

   Cllr Gorman

2. **Disclosable Pecuniary and Other Interests**

   None

3. **Public Open Session**

   None present

4. **Minutes of the Previous Meeting – 19th October 2026 Extraordinary Planning Meeting & 26th October 2026 Planning Meeting**

   The minutes of the previous meetings were approved and signed.

5. **Applications**

   5.1 **26/01876/FL** **–**Erection of 9 dwellings consisting of 2 x 2-bed, 6 x 3-bed and 1 x 4-bed, with associated access, parking and landscaping. Land North East of Foxbush, London Road, Hildenborough.
   Deadline Date 16th November

   Appendix 1 – A draft objection response was circulated to Councillors before the meeting. Minor amendments were made to the document during the meeting, and the response was approved as amended.

   5.2 **26/01965/PIP** **-** Permission in Principle for one dwelling 1 Noble Tree Cottages Noble Tree Road Hildenborough. Deadline date 6th November

   Appendix 2 – A draft comment response was circulated before the meeting. Councillors approved the draft.

6. **WWA – Support Required for Any Planning Applications**

   No support required.

7. **Local Plan**

   Councillors discussed the recent letters circulated by MP's and TMBC – Letters are saved within the portal and are on the Parish Council meeting agenda. Clarification would be sort regarding Ifti's email from WWA regarding the timings of the Local Plan.

8. **Conservation Area – To consider progress since the last meeting.**

   The Parish Council has delegated authority to the Planning Committee to review the conservation area document and framework. To consider the document and framework and to agree a report for recommendation to the Parish Council on how it should proceed.

   Councillors discussed the current draft, Cllr Leeson will take photos against the 2011 document produced by TMBC for a direct comparison.

9. **Date of Next Meeting - Monday 23rd November 2026**

Meeting End: 19.26

Appendix 1

HILDENBOROUGH PARISH COUNCIL

Pavilion and Recreation Ground – Riding Lane – Hildenborough – TN11 9HY telephone: 07818 329029
Email: clerk@hildenboroughparishcouncil.gov.uk
Website : www.hildenboroughparishcouncil.gov.uk

Susan Field
Planning Officer
Tonbridge and Malling Borough Council
Gibson Building, Gibson Drive
Kings Hill, West Malling
Kent ME19 4LZ

By email: planning.applications@tmbc.gov.uk

9th November 2026

RE: Planning Application 26/01876/FL - Erection of 9 dwellings consisting of 2 x 2-bed, 6 x 3-bed and 1 x 4-bed, with associated access, parking and landscaping - Land North East Of Foxbush London Road Hildenborough Tonbridge Kent

Executive Summary

Hildenborough Parish Council **OBJECTS** to application 26/01876/FL and asks that it be refused. The Council's main concern is a new vehicle access onto London Road (B245), where a new access was refused on road safety grounds in 2006. Even if the site is treated as grey belt, national policy supports approval only where the benefits are not

substantially outweighed by adverse effects, and the Council considers that they are outweighed here.

- **A new access onto the B245 would harm highway safety.** The applicant's own survey records weekly 85th percentile speeds of up to 43.8mph, local knowledge is that speeds regularly exceed the limit, and there have been accidents at the nearby petrol station exit. TMBC's Land Availability Assessment found safe access to land here had not been shown. Nothing shows the sightlines can be provided on land the applicant controls, and the highway authority's response on file relates to a different application.
- **The site floods, and the flood risk assessment does not record it.** The Parish Council's local knowledge is that the site has flooded in recent winters. The assessment relies on modelled mapping, and the Planning Statement says the site is not liable to flooding from any source. Foul drainage is also unresolved.
- **The scheme extends the Foxbush ribbon into open countryside.** TMBC's Hildenborough Character Areas SPD describes Foxbush as a short ribbon of development extending into the countryside, and TMBC's Land Availability Assessment found land here remote from the village.
- **The access and sightlines would cut into the frontage tree belt.** The access removes priority woodland, hard surfacing is laid within the root areas of 14 trees including three category A oaks, and no assessment has been made of keeping 120m visibility splays clear.

Annex A sets out the full evidence for each ground, the planning history, TMBC's Land Availability Assessment, and further points on ecology, the site boundary and inconsistencies in the application documents.

1. Grounds of objection

1.1 Highway safety at the new London Road access

The access is a new junction onto the B245 next to the point where the 30mph limit becomes 40mph. The applicant's survey recorded weekly 85th percentile speeds of up to 43.8mph, but the visibility splays are sized for speeds "in the order of 40 miles per hour".

The Parish Council's local knowledge is that traffic on this section regularly travels above the 40mph limit, and that there have been accidents involving vehicles leaving the petrol station, which the Council has raised with Kent County Council. The land falls away from the road edge, and the access drawing plots the splays on Ordnance Survey mapping with no levels.

The splays run along the frontage tree belt, which lies outside the red line on the Tree Protection Plan. The Parish Council's local knowledge is that these trees are not in the applicant's ownership, and the applicant has completed ownership Certificate B for the site itself. Nothing in the application shows that the land within the splays is in the applicant's control or within the public highway. Government guidance is that conditions requiring works on such land often fail the tests of reasonableness and enforceability. The applicant should show that the splays can be provided and kept clear before the application is determined.

TMBC's own Land Availability Assessment for the Local Plan 2042 found the land north of London Road at Foxbush (sites 68468 and 75134) unsuitable for development. It concluded that, given "the difference in levels between the site and London Road and mature trees along the boundary", it had not been demonstrated "that a safe and

suitable access can be achieved to serve development of any notable scale at this parcel without the substantial loss of trees and ecological impact".

In 2006 TMBC refused a gated access onto this frontage (TM/06/01896/FL) because a new access onto this road had "the potential for causing hazards to traffic movements and road safety", and the Council raised the same concern. The road and the risk are unchanged, and this proposal would generate around 50 vehicle movements a day. TR6 requires refusal where there would be an unacceptable impact on highway safety.

The Transport Statement assesses the access against paragraphs 109 to 117 of the superseded December 2024 Framework. The equivalent tests are now in TR3, TR4 and TR6.

The highway authority's response of 6 November 2026, although headed with this application's reference, comments on the change of use of Cob Tree House to a nursery and does not address this site or its access. The Council asks that the highway authority's response on this application be obtained, and that the Council be given the opportunity to comment on it, before any decision is made.

1.2 Flood risk and drainage

The Parish Council's local knowledge is that the site has flooded in recent winters, and that land to the rear of a neighbouring property in Foxbush has also flooded. A stream runs from the Watts Cross junction along the south-west side of London Road, passes under the road near the petrol station and continues east to the watercourse beside the recreation ground.

The Flood Risk Assessment relies on modelled mapping, gives no record of past flooding, and says the upstream extent of the northern boundary watercourse "is not identified on mapping". The Planning Statement says the site is "not considered to be liable to flooding from any sources". On the Parish Council's local knowledge, and the patches of flooding the assessment itself maps within the site, this is a location known to be at risk of flooding. F7 requires refusal unless its tests are met, and the F5 sequential test applies unless the assessment clearly shows an exemption is met. The assessment addresses neither. There is also no foul drainage strategy (Annex A, section A8).

1.3 Extension of the Foxbush ribbon into the countryside

The Hildenborough Character Areas SPD describes Foxbush as "a short section of ribbon development extending into the countryside north west of Hildenborough", and lists "views towards the Sevenoaks Ridge" among its positive features. The Planning Statement presents the layout as "a continuation of the linear ribbon development of Foxbush". Lengthening the ribbon would harm the character of this edge of the village. TMBC's 2006 officer report described this land as "more rural and open in character" than Foxbush, and the Land Availability Assessment found the land north of London Road at Foxbush "remote from the built confines of Hildenborough".

The access road, parking courts and 1.8m close-boarded fencing would bring a suburban edge to open land, and the proposal does not respond to its context as DP3 requires.

1.4 The frontage tree belt and woodland

The Arboricultural Implications Assessment says the mature oaks along London Road "provide significant arboricultural amenity to the local area", yet places new hard surfacing within the root protection areas of 14 trees, including the category A oaks T5, T18 and T35. The access road and the frontage path, where the Tree Protection Plan marks these areas, are shown in impermeable tarmac, and the access road must be impermeable because of the foul rising main beneath it. The assessment itself notes that paved roads and paths reduce the moisture and nutrients available to roots. Service routes have not been decided, and the access removes 141 square metres of priority woodland.

The visibility splays on drawing 2507093-01 Rev F run along the line of the frontage trees, and nothing says what would be cut back to keep them clear. N2 expects established trees to be conserved where possible, and Policy NE4 of the Managing Development and the Environment DPD, which is consistent with it, permits loss of woodland only where its tests are met. They have not been addressed.

1.5 Green Belt and the planning balance

The applicant relies on GB7(1)(g), through pre-application advice that cites paragraph 155 of a superseded Framework (Annex A, A9). Unmet need under footnote 41 should be judged on the supply position at the date of decision, not the January 2025 note. Where development is not inappropriate, S5(5) provides that it should be approved unless the benefits would be substantially outweighed by adverse effects, which include conflict with policies that say development should be refused. TR6, F7, DP3 and N2 are such policies, and for the reasons in 1.1 to 1.4 the Council considers that the benefit of nine market homes would be substantially outweighed by the harms.

Other points, set out in full in the annex: the dormouse surveys are incomplete and over half the site's habitat value would be lost (Annex A, section A6); the site sits just under the major development thresholds, and the officer is asked to confirm that the red line includes all the land the scheme relies on, as this decides whether affordable housing is required (A7); and the documents are inconsistent on the speed limit, the bus stop distance, flooding, habitat loss and biodiversity gain (A10).

2. Requested Conditions

Should the planning authority be minded to grant permission, and without prejudice to the Council's objection, the Council requests the following conditions.

- **Construction management plan.** Before any work starts, a plan covering delivery routes and times (avoiding school arrival and departure times), contractor parking off London Road, wheel cleaning and the location of the site compound, to be approved and followed. Purpose: highway safety during construction (ground 1.1).
- **Visibility splays and vegetation works.** No development to start until details have been approved showing that the visibility splays lie within the application site or the public highway, together with the tree and vegetation works needed to provide and keep them clear; the splays to be provided before first occupation and kept clear of obstruction above 0.6m thereafter. Purpose: highway safety and protection of the frontage tree belt (grounds 1.1 and 1.4).
- **Tree protection and arboricultural supervision.** Development to follow the approved Arboricultural Method Statement and Tree Protection Plan, with no-dig construction within root protection areas,

details of all service routes approved before work starts, and supervision by a qualified arboriculturist with records sent to the planning authority. Purpose: retention of the frontage oaks and woodland (ground 1.4).

- **Landscaping and boundary treatment.** Full details of planting and of boundaries facing London Road and the countryside, using native hedging and post and rail rather than close-boarded fencing, with any plant that dies within five years replaced. Purpose: the countryside edge and the frontage tree belt (grounds 1.3 and 1.4).
- **Materials.** Samples of facing brick, tile hanging and roof tiles to be approved before above-ground work starts. Purpose: character of the Foxbush edge (ground 1.3).
- **Permitted development.** Removal of permitted development rights for extensions, outbuildings and means of enclosure. Purpose: to control further built development and fencing at the edge of the countryside (ground 1.3).
- **Ecology.** Completion of the dormouse surveys before any vegetation clearance, with any mitigation they identify carried out; a construction environmental management plan for biodiversity; and an external lighting scheme following the Ecological Impact Assessment, with no street lighting. Purpose: protected species and the woodland edge (Annex A, section A6).
- **Foul drainage.** A foul drainage scheme, taking account of the rising main and its easement, to be approved before work starts and implemented before first occupation. Purpose: adequate foul drainage (ground 1.2).
- **Surface water drainage and maintenance.** Detailed surface water design and a management and maintenance plan for the lifetime of the development, naming the body responsible and how it is funded, to be approved before work starts and implemented before first occupation, with finished floor levels at least 300mm above existing ground as the Flood Risk Assessment proposes. Purpose: flood risk and long-term maintenance (ground 1.2).

3. Determination

If the officer is minded to recommend a decision contrary to the Council's position, the Council asks that the Nominated Member and Nominated Officer consider referring the application to the Planning Committee under TMBC's scheme of delegation, as it raises significant planning matters for this edge of Hildenborough. The Council asks to be told of the recommendation and of any committee date, and registers its wish to address the committee.

The Parish Council reserves the right to make further representations should additional information be submitted in support of this application. The Parish Council would welcome the opportunity to discuss any of the above points with the case officer.

Yours sincerely

Cllr Martyn Wills

Chair of Planning Committee

For and on behalf of Hildenborough Parish Council

Annex A: Evidence in support of the Council's objection

This annex sets out the Council's full case. Documents are identified by their titles in the application bundle. National policy is quoted from the National Planning Policy Framework published on 17 August 2026.

A1. Documents relied on

- Planning Statement (September 2026)
- Transport Statement (Motion, 14 August 2026), including Appendix C ATC Speed Survey Results and Appendix D Proposed Access Arrangements, drawing 2507093-01 Rev F
- Arboricultural Implications Assessment and Method Statement (Canopy Consultancy, September 2026) and Tree Protection Plan
- Ecological Impact Assessment (Pro Vision, September 2026)
- BNG Assessment (Pro Vision, September 2026), the statutory metric and BNG Validation Results
- Flood Risk Assessment (Cannon Consulting Engineers)
- Site Location and Existing Site Plan (ADL-26-804-PL-01) and Proposed Site Plan, Block Plan and Indicative Street Scene (ADL-26-804-PL-02)
- Application Form (redacted)
- Kent County Council Highways and Transportation response, 6 November 2026, and Heritage Conservation response, 3 November 2026
- TM/06/01896/FL: Decision Notice and Delegated Report (2006); TMBC records for 53/10117/OLD and 54/10099/OLD
- Hildenborough Character Areas Supplementary Planning Document (TMBC, adopted February 2011), section 2.1 Foxbush
- Tonbridge and Malling Borough Council, Land Availability Assessment, Hildenborough site assessments (Local Plan 2042 evidence), sites 68468 and 75134
- Managing Development and the Environment Development Plan Document (TMBC, adopted April 2010), Policy NE4
- Planning Practice Guidance, Use of planning conditions, paragraph 009 (Reference ID 21a-009-20140306)

A2. Planning history

Paragraph 2.5 of the Planning Statement says the site "has a limited planning history with only one previous application noted" and that the 2006 application "is not considered relevant". TMBC's records for the same address also show applications 53/10117/OLD ("Development of land as Building Estate with access from existing service road"), refused on 13 December 1953, and 54/10099/OLD ("Erection of Houses."), refused on 6 May 1954. TMBC holds no documents for these, so the extent of the land they covered cannot be confirmed, and the Council places little weight on them.

TM/06/01896/FL, for a gated access onto London Road, was refused on 11 August 2006. The first reason was that the proposal "would result in the construction of a new access directly on to the Secondary Distributor Road Network and has the potential for causing hazards to traffic movements and road safety". The delegated report records the Council's comment: "Concerned about this further access onto B245. Also about future use of the land." It records that the highway authority

objected and that its objection stood. On the character of the land, the officer wrote: "it should be recognised that there is a very clear distinction between the built confines of Foxbush, at the very edge of the urban area, and this site which is easily identifiable as more rural and open in character."

The refusal relied on policy TP12 of the Kent and Medway Structure Plan, which is no longer part of the development plan. The Council relies on the substance of the reason, which has not changed, and on current national policy (A3). This response is consistent with the Council's 2006 response.

A3. Highway safety (ground 1.1)

Speed limit. Transport Statement paragraph 3.3 says London Road is subject to "a speed limit of 30 miles per hour although it is noted that the speed limit increases to 40 miles per hour to the immediate west of the proposed site access". Paragraph 4.6 says "London Road (B245) is subject to a speed limit of 40 miles per hour". Planning Statement paragraph 6.36 refers to "the existing 40mph speed limit". Appendix C describes ATC 1 as sited "on 30/40 mph speed limit change sign".

Speeds. The weekly summaries give 85th percentile speeds of 40.7mph northbound and 40.5mph southbound at ATC 1, and 39.4mph northbound and 43.8mph southbound at ATC 2. Paragraph 4.6 nonetheless describes speeds "in the order of 40 miles per hour in both directions" and derives the 120m splays from that. Northbound hourly 85th percentile speeds at ATC 1 include 49.9mph (05:00, Monday 17 November 2025), 47.6mph (04:00, Monday) and 50.8mph (04:00, Tuesday 18 November 2025). The same table records 526 vehicles in the 07:00 hour on Monday 17 November 2025 at ATC 1.

Collision record. Paragraph 3.6 limits the collision search to "a 200-metre radius of the site" over "the latest five-year period for which data is available". The Parish Council is aware of accidents involving vehicles leaving the petrol station, which the Council has raised with Kent County Council.

Observed speeds. The Parish Council's local knowledge is that traffic on this section regularly travels above the 40mph limit.

Visibility splays. The Parish Council's local knowledge is that the land falls away from the road edge. Drawing 2507093-01 Rev F shows no levels, and its notes state: "This drawing is based on OS mapping and Motion cannot guarantee the accuracy of the data." Paragraph 4.6 of the Transport Statement says the drawing "confirms that the required visibility splays can be achieved from the site access".

Land outside the site. The Tree Protection Plan (25-2045-TPP) shows the red line running behind the frontage tree belt, so the splays cross land outside the application site. Drawing 2507093-01 Rev F does not show the highway boundary. The application form completes ownership Certificate B, with notice served on another owner on 30 September 2026. The Parish Council's local knowledge is that the trees along the sightlines are not in the applicant's ownership.

Land Availability Assessment. TMBC's Land Availability Assessment for the Local Plan 2042 assesses site 68468, "Land rear of 8 Foxbush and north of London Road, Hildenborough" (2.52 ha), and site 75134, "Land north of Foxbush and east of London

Road, Hildenborough" (0.86 ha). Both are recorded as Green Belt agricultural land with a developable area of 0.00 ha, and both are concluded "Unsuitable". The assessment of each states: "The site is considered remote from the built confines of Hildenborough. The site is not considered to be sustainably or suitably located. In addition, due to the difference in levels between the site and London Road and mature trees along the boundary it is not clear or has been demonstrated at this time that a safe and suitable access can be achieved to serve development of any notable scale at this parcel without the substantial loss of trees and ecological impact." The present application proposes a new access through the London Road frontage at Foxbush, where the assessment identified these constraints.

Planning Practice Guidance on the use of planning conditions (paragraph 009) states: "Conditions requiring works on land that is not controlled by the applicant, or that requires the consent or authorisation of another person or body often fail the tests of reasonableness and enforceability." It adds that a negatively worded condition "should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission." The highway authority's standard notes in its response of 6 November 2026 record that some land near the highway "is owned by third party owners", and leave it to the applicant, after permission, to ensure "that the limits of the highway boundary have been clearly established".

Highway authority response. The response of 6 November 2026 is headed "Application - TM/26/01876/FL" but states: "The proposal seeks the change of use of Cob Tree House to a nursery and is supported by a Transport Statement and Travel Plan." It goes on to discuss parent drop-off, the "use of the Recreation Ground car park" and "displacement parking on Oldbury Lane". None of this relates to the present application, and the response says nothing about the new access, the visibility splays or the speed survey.

Use of the access. Table 5.1 forecasts 25 arrivals and 25 departures a day. Paragraph 4.10 says the refuse vehicle "would turn on site in the vicinity of the site access".

Footways. Paragraph 3.11 states that the footway on the north side of London Road "varies in width between 1.2 to 1.5 metres" and that a footway on the southern side begins "approximately 350 metres east of the site access".

Superseded references. Section 2 of the Transport Statement quotes paragraphs 109, 112, 113, 115, 116 and 117 of the December 2024 Framework, which has been superseded. Paragraph 116 was the highway refusal test. Its equivalent is TR6, which states: "Development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement. This applies both during the construction phase and following completion." The Transport Statement does not address the construction phase. The design matters in former paragraph 117 are now in TR4, which requires layouts to "Minimise the scope for conflict between pedestrians, cyclists and vehicles" and to "Meet the needs of disabled people, older people and children in relation to all modes of transport". The

locational tests in former paragraph 115 are now in TR3, and the Council does not rely on them.

A4. Character and the countryside edge (ground 1.3)

The Hildenborough Character Areas SPD, section 2.1, states: "Foxbush is constructed on a service road set back from the main road. A grassed, treed verge screens the houses from the London Road which is a busy route into Hildenborough from Sevenoaks." It goes on: "If forms a short section of ribbon development extending into the countryside north west of Hildenborough." It also notes that "To the north and north west there are views of Sevenoaks Ridge." Its Locally Distinctive Positive Features include "Views towards the Sevenoaks Ridge and vistas of listed buildings" and "Open space and trees screening the houses from the busy London Road". Its Negative Features Worthy of Enhancement include "Infill developments which do not relate well to the distinctive qualities of the character area."

Planning Statement paragraph 6.25 states: "The scheme has then been laid out as a continuation of the linear ribbon development of Foxbush". The application form describes the pre-application advice as follows: "concerns were raised about the proposed layout, density, garden sizes and landscaping. Revisions were recommended to reduce the quantum of development". Planning Statement paragraph 3.2 confirms that the pre-application scheme was also for nine houses. The application form lists the boundary treatment as "1.8m high close board fence" for both public realm and gardens, with "1.1m high post and rail" feature fencing to the public realm.

DP3 states that development proposals "should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings". It adds: "Development proposals should be refused if, without clear justification, they conflict with paragraph 1 of this policy". The SPD is not part of the development plan, so the Council relies on it as evidence of the area's character rather than as an explicit design standard.

A5. Trees and woodland (ground 1.4)

The Arboricultural Implications Assessment (section 3.1) describes "the large, mature trees found growing in the tree belt along London Road" as being mostly "in a good condition" and providing "significant arboricultural amenity to the local area". Section 4.1 states: "In general, the design process will try to retain A and B category trees. Proposed construction will therefore normally be excluded from the RPA of A and B category trees." Section 4.2 then lists new hard surfacing within the root protection areas of "T1, T2, T4, T5, T7, T8, T13, T15, T16, T17, T18, T27, T29 and T35". The tree survey schedule grades T5, T18 and T35, all common oak, as category A2. Section 4.2 states that the surfacing would be built on no-dig principles. Section 4.2 also lists removal of "Part of G1 to enable the construction of an access road". Section 5.4 states that service routes "have not been finalised at this early stage".

The Ecological Impact Assessment (paragraph 4.9) states that "The lowland mixed deciduous woodland is considered priority habitat and is of local value", and paragraph 5.3 that "141 metres2 of woodland will be lost to the proposals". The application form answers "No" to whether designated sites, important habitats or other biodiversity features are likely to be affected.

Drawing 2507093-01 Rev F shows 2.4m by 120m splays in both directions along the frontage. Neither the Arboricultural Implications Assessment nor the Transport Statement identifies vegetation to be removed or cut back within them.

Access road and path. Section 4.1 of the Arboricultural Implications Assessment states: "Hard structures such as building and paved roads and paths can influence the root activity of trees by reducing the availability of both moisture and nutrients." Section 5.3 states that the new hard surface "will be constructed on top of the existing ground level, and no excavations will take place to level the ground". The Proposed External Works and Means of Enclosure drawing shows the "Access Road and Path" in "Tarmac (impermeable)", and Flood Risk Assessment paragraph 3.2 states that the rising main and its easement "mean that the proposed access road will need to be impermeable". The Tree Protection Plan marks the no-dig areas along the access road and the frontage path. Section 5.4 assumes that services "will enter site beneath the access drive and as such will unlikely be within the RPAs of the retained trees".

N2 requires proposals to "Conserve and enhance existing natural features of visual, historic or nature conservation value (such as established trees and hedgerows) where possible". Policy NE4(2) of the Managing Development and the Environment DPD states: "Development that would result in the net loss or deterioration of woodland will only be permitted if all of the following tests are met: (a) development cannot reasonably be located on an alternative site; (b) the need for development clearly outweighs any harm which may be caused to the ecological, archaeological and landscape value of the woodland; and (c) harm can be reduced to acceptable limits through the implementation of positive environmental mitigation measures within the site or by replacement planting elsewhere or enhanced management." The Council considers NE4 consistent with N2, which also requires harm to biodiversity to be avoided first, including by locating elsewhere, and so cites it alongside national policy.

A6. Ecology and biodiversity (summarised in the final paragraph of the grounds)

Dormouse. Ecological Impact Assessment paragraph 1.7: "No dormice were recorded during the surveys, but a full suite of surveys has not been completed." Table 2 records the dormouse survey period as "April-September 2026" with "surveys on-going". Paragraph 5.23 says that if dormice are found in "the remaining surveys" a licence will be sought.

Great crested newt. Paragraph 1.6 records that "access was not possible for Pond 3 and 5" and that pond 2 "returned a positive result". The applicant proposes to use the district licensing scheme, which the Council notes.

Biodiversity net gain. The BNG Assessment executive summary gives a net loss of "1.25 habitat units (-52.85%)". Paragraph 6.1 gives "1.22 habitat units (-52.19%)". Table 3 records that the trading rules are not satisfied. Paragraph 6.2 states that "It is not possible to achieve a 10% net gain for habitat units with the current proposed plans" and paragraph 6.4 that "The exact habitat bank will be determined based on the availability at the time of purchase." Planning Statement paragraph 7.6 nonetheless gives "Moderate weight to the enhancement of biodiversity with a 10% net gain". Paragraph 4.3 of the BNG Assessment records that the site is in a Local Nature Recovery Strategy area which "includes the potential measure to create and restore areas of lowland meadows".

National policy. N2 states: "If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or, as a last resort, compensated for, then the development should be refused." It also asks proposals to connect to ecological networks "drawing on the measures proposed by Local Nature Recovery Strategies". Annex C of the Framework requires "Such information as required to demonstrate compliance with relevant aspects of Policy N2." The Council accepts that the statutory biodiversity gain condition is a separate legal requirement, and does not ask for gains beyond it. Its point is that the information needed to apply N2 is not yet complete.

A7. Site boundary and thresholds (summarised in the final paragraph of the grounds)

The Site Location and Existing Site Plan gives the site area as "4988 sqm" (0.49ha). The Framework glossary defines major development, for housing, as "development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more." Ecological Impact Assessment paragraph 4.5: "The application boundary comprises part of the wider field with a pond to the north". Flood Risk Assessment paragraph 3.1 proposes "a positive outfall to the northern boundary watercourse" and the Planning Statement (paragraph 3.4) records that the red line was redrawn after pre-application advice to bring the western planting inside it.

GB7(1)(g)(iv) applies "In the case of major development involving the provision of housing", requiring compliance with GB8. GB8 requires, among other things, "Affordable housing which reflects either" development plan requirements or "a contribution which is 15 percentage points above the highest existing affordable housing requirement which would otherwise apply to the development, subject to a cap of a 50%." Whether the development is major is for the planning authority to decide.

A8. Flood risk and drainage (ground 1.2)

Local knowledge. The Parish Council's local knowledge is that the site has flooded in recent winters. A stream runs from the Watts Cross junction along the south-west side of London Road, passes under the road near the petrol station and continues east to the watercourse beside the recreation ground. Land to the rear of a neighbouring property in Foxbush has also flooded.

Kent County Council Heritage Conservation's response of 3 November 2026 records that "A 19th century footpath and stream with a pond run down the east side of the site, identifiable on the 1st Ed OS map".

Flood Risk Assessment. Paragraph 1.9 states that the northern boundary watercourse "emerges from a (600 mm) culvert beneath London Road" and that "The upstream extent of the watercourse (south of London Road) is not identified on mapping." Paragraph 2.3 states that "The flood mapping highlights some isolated patches of flooding within the site boundary", which it attributes to "localised pooling in topographically low points". Paragraph 1.6 records levels falling from "circa 47.5 m AOD in the south-western corner to approximately 45.5 m AOD in the north-eastern corner". The assessment cites no record of past flooding on or near the site and does not refer to the sequential test. Planning Statement paragraph 6.57 states: "The report

concludes that the proposal is not considered to be liable to flooding from any sources."

National policy. F5(2) states that "The sequential test should be used in areas known to be at risk now or in the future from any form of flooding", other than in listed cases, including where a site-specific flood risk assessment "demonstrates clearly" that no built development would be at risk or, for surface water risk only, that occupiers "would remain safe from current and future surface water flood risk for the lifetime of the development without increasing flood risk elsewhere in accordance with policy F7". F7(2) states: "Where development is proposed in a location known to be at risk from any form of flooding, now or in the future, it should be refused unless" its criteria are met, including that "It can be demonstrated that flood risk will not be increased elsewhere."

The application form selects "Mains sewer" for foul sewage and answers "No" to "Are you proposing to connect to the existing drainage system?". No foul drainage strategy is in the bundle. Flood Risk Assessment paragraph 3.2 notes "the approximate location of the Southern Water foul water rising main" which "broadly follows the line of the proposed access road", and that "The rising main and its associated easement mean that the proposed access road will need to be impermeable."

Flood Risk Assessment paragraph 1.8 states that the frontage ditch "receives flows from the east via a culvert. It also takes flows from several road gullies along London Road." Paragraph 3.13 states: "Maintenance responsibilities would be established at the usual post planning stage." The summary table of the Flood Risk Assessment describes the application as "Outline (minor application)", although the application is for full permission.

F8 requires sustainable drainage systems to "Have maintenance arrangements in place to ensure an acceptable standard of operation for the anticipated lifetime of the development".

A9. Green Belt and the planning balance (ground 1.5)

The site is in the Green Belt (Planning Statement paragraph 2.4). GB6 states that "Development in the Green Belt is inappropriate unless it falls within one of the categories in policy GB7." GB7(1)(g) lists "Development where all of the following apply", including "The development would utilise grey belt land" and "There is an evidenced unmet need for the type of development proposed". Footnote 41 provides that, for housing, this "means the lack of a five year supply of deliverable housing sites, including the relevant buffer where applicable, or where the Housing Delivery Test result was below 75% of the housing requirement over the previous three years".

Planning Statement paragraph 6.7 relies on "the Council's January 2025 Housing Land Supply Position Briefing Note" and a figure of 2.89 years. Paragraph 3.3 reports the pre-application advice as finding that the site met "the exception set out under paragraph 155 of the NPPF (as it was then)". That paragraph number refers to a superseded Framework; the equivalent test is GB7(1)(g), set out above.

Where development is not inappropriate, S5 provides that "proposals should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this

Framework, and applying paragraph 2 of this policy." Paragraph 2 of S5 states that such circumstances "include, but are not restricted to, situations where the development proposal would fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances." TR6 (A3), F7 (A8), DP3 (A4) and N2 (A6) each state that development should be refused in specific circumstances.

The Council recognises that HO7 requires substantial weight to be given to the benefits of homes that contribute to meeting evidenced need. Against that it weighs the highway risk at a new access onto the B245, which TMBC's Land Availability Assessment also identified (A3), the flood risk on a site known locally to flood, the extension of development into the countryside beyond Foxbush, the loss of priority woodland and pressure on the frontage oaks, and the incomplete ecological information, set out in A6. The Planning Statement (paragraph 7.6) records "No policy harm identified to weigh against the scheme". The Council does not agree.

The Council has based its Green Belt and countryside comments on national policy. Where Core Strategy policies on these matters are materially inconsistent with the national decision-making policies, the Framework's implementation annex (Annex A, paragraph 2) provides that they should be given very limited weight.

A10. Inconsistencies in the application documents (summarised in the final paragraph of the grounds)

- Speed limit at the access: 30mph and 40mph (Transport Statement paragraphs 3.3 and 4.6); 40mph (Planning Statement paragraph 6.36).
- Liability to flooding: "not considered to be liable to flooding from any sources" (Planning Statement paragraph 6.57); "isolated patches of flooding within the site boundary" (Flood Risk Assessment paragraph 2.3).
- Nearest bus stop: "280m" (Planning Statement paragraph 2.3); "approximately 350 metres" (Transport Statement paragraph 3.13).
- On-site habitat loss: -52.85% and -52.19% (BNG Assessment).
- Biodiversity gain: "10% net gain" claimed as a benefit (Planning Statement paragraph 7.6); net loss on site, with off-site units still to be identified (BNG Assessment paragraphs 6.2 and 6.4).
- Application type: "Outline (minor application)" (Flood Risk Assessment); full application (application form).
- Important habitats affected: "No" (application form); priority woodland lost (Ecological Impact Assessment paragraphs 4.9 and 5.3).

Appendix 2

HILDENBOROUGH PARISH COUNCIL

Pavilion and Recreation Ground – Riding Lane – Hildenborough – TN11 9HY telephone: 07818 329029
Email: clerk@hildenboroughparishcouncil.gov.uk

Website : www.hildenboroughparishcouncil.gov.uk

Scott Fisher
Planning Officer
Tonbridge and Malling Borough Council
Gibson Building
Gibson Drive
Kings Hill
West Malling
Kent ME19 4LZ

By email: planning.applications@tmbc.gov.uk

9 November 2026

RE: Planning Application 26/01965/PIP - Permission in Principle for one dwelling - 1 Noble Tree Cottages Noble Tree Road Hildenborough Tonbridge Kent TN11 8NB

Executive Summary

Hildenborough Parish Council **COMMENTS** on application 26/01965/PIP. The Council does not oppose the principle of one dwelling on this garden land. It asks that any grant rests on the correct Green Belt test, that three claims in the applicant's Planning Statement are not relied on, and that the privacy of the neighbouring home is protected when the details are decided.

- **The grey belt route claimed by the applicant is not made out.** That route requires a sustainable location whatever the scale of development, and the Borough Council's own land availability assessment finds neighbouring land at this junction remote from Hildenborough and not sustainably located. The test that applies is whether a dwelling on previously developed garden land would cause substantial harm to the openness of the Green Belt. Members consider that one dwelling sited close to the existing buildings would reduce openness slightly but not substantially.
- **The walking and bus access described in the Planning Statement is not borne out.** Watts Cross Road has no street lighting, and reaching the bus stop means crossing the B245 twice at busy points. Most of the amenities the applicant lists are beyond the 800 metre distance it relies on, and that distance comes from a definition that does not apply to this proposal.
- **The benefits are overstated.** The land is a garden in active use, not vacant or underutilised land, so the substantial weight the applicant claims for making use of such land does not apply.

1. Grounds

1.1 Green Belt: the exception that applies

The Planning Statement is inconsistent on which Green Belt exception applies. Paragraph 6.12 says the site is previously developed land. Paragraph 6.14 says it cannot reasonably be considered previously developed land and turns to the grey belt route.

The grey belt route, policy GB7(1)(g), applies only where the development would be in a sustainable location with particular reference to policy TR3 (GB7(1)(g)(iii)). Paragraphs 6.25 and 7.2 argue that because one dwelling will not generate a significant amount of movement, TR3(1)(a) is not engaged and so the site need not be

in a sustainable location. That does not follow. The sustainable location requirement is part of GB7(1)(g) itself and applies whatever the scale. The Borough Council's land availability assessment finds both the land north of Noble Tree Road and east of Watt's Cross Road (site 68382) and Noble Tree End, west of Watt's Cross Road (site 58715), remote from the built confines of Hildenborough and not sustainably located. The Council asks that the grey belt route is not relied on.

Paragraph 6.4 quotes GB7(1)(e) in words that are not in the current Framework. The references to limited infilling, partial or complete redevelopment, redundant or continuing use and temporary buildings are not part of the current policy. The current GB7(1)(e) covers the redevelopment of previously developed land which would not cause substantial harm to the openness of the Green Belt. The Council accepts that a residential garden outside a built-up area can be previously developed land, as the Inspector found at Navestock (appeal 6009849, one of the appeal decisions on the application file).

Whether a dwelling here would cause substantial harm to openness depends on where it is placed in a garden the applicant describes as 62 metres deep. The garden can be seen along Watts Cross Road, and a dwelling would reduce the openness of the Green Belt there. Members who know the site consider that one dwelling kept close to the existing cottages would reduce openness slightly, but would not cause substantial harm. Siting is fixed only at the technical details stage. The Council asks that the officer's report makes clear that the openness test will be applied in full at that stage, and that a grant of permission in principle does not settle it.

1.2 Walking and public transport access

Paragraph 6.27 says the Watt's Cross bus stop, 540 metres away, is reached on foot by pathways along Watt's Cross Road. There is a continuous footway, but neither the footway nor the carriageway of Watts Cross Road is lit. Reaching the stop also means crossing the B245 twice, at busy points. This makes the route a poor alternative to the car, particularly after dark.

Paragraph 6.39 relies on an 800 metre reasonable walking distance taken from Annex B of the Framework. That definition applies only to the policies on development near well-connected stations, which the applicant does not rely on. In any case, of the amenities listed at paragraph 6.40 only the church hall is within 800 metres. The church, shop, library, café, primary school, nursery, public house and care home are between 869 metres and 1.25 kilometres away, on the applicant's own figures. The walk into the village is along an unlit footway on Noble Tree Road to Riding Lane, and then over the B245 at the zebra crossing to reach the school, nursery, pharmacy, convenience shop and church.

The appeal decision at Appendix 1 (Broadheath Farm, APP/R0660/W/24/3354674) was decided under paragraphs 155, 110 and 115 of the superseded December 2024 Framework. The current equivalents are GB7(1)(g) and TR3. In that case the main parties agreed the site was within the settlement of Over Alderley, and the council confirmed there was no conflict with its accessibility policies. Neither is the case here, so the decision does not support the applicant's case on location.

1.3 Weight given to the benefits

Paragraphs 6.53 and 7.6 claim substantial weight under policy L2 for making better use of vacant and underutilised land. The applicant's own description at paragraph 2.5 is of an extensive rear garden with trees, a patio and a gravelled parking area. It is a garden in use and is not vacant or underutilised land. The part of L2 that deals with additional homes within residential curtilages, L2(1)(d), applies only within settlements, and the applicant itself treats the site as outside settlements by relying on policy S5. The Council does not dispute that one additional home is a benefit.

1.4 The neighbouring home

The site adjoins Noble Tree House to the north and east (Planning Statement paragraph 6.46). The applicant says at paragraph 4.4 that the amount of development is to be judged by how it might affect the character of the area or the occupants of adjoining land, and that design, layout and scale are for the technical details stage. The Council asks that the officer's report records the relationship with this neighbouring home, so that privacy, screening and lighting are dealt with at that stage. The conditions below are requested for that purpose.

2. Requested Conditions

Conditions cannot be attached to a grant of permission in principle, as the Inspector recorded in the Cople appeal decision on the application file (appeal 6011253, paragraphs 17 and 28). If permission in principle is granted, the Council asks that the following are required by condition when technical details consent is granted.

- **Siting and scale.** The approved plans should fix the footprint, height and position of a single dwelling, keeping it close to the existing cottages and away from the boundary with Noble Tree House, so that the harm to openness and the effect on that home are kept to a minimum. This relates to grounds 1.1 and 1.4.
- **Frontage vegetation.** The mature vegetation along the road frontages, which the applicant describes at paragraph 2.4, should be retained except where removal is needed for an approved access, with replacement of any that dies within five years. This protects the openness and rural character of the junction. This relates to ground 1.1.
- **Privacy.** No first-floor or roof windows, balconies or raised terraces should face the garden of Noble Tree House unless they are obscure glazed and fixed shut below 1.7 metres above floor level. This protects the privacy of the neighbouring home. This relates to ground 1.4.
- **Boundary screening.** Existing hedging and trees on the north and east boundaries should be retained, and planting or fencing provided where needed to give screening at least 1.8 metres high along the boundary with Noble Tree House, maintained for the life of the development. This protects privacy and the rural edge. This relates to grounds 1.1 and 1.4.
- **External lighting.** Details of any external lighting should be approved before it is installed, designed to avoid light spill onto neighbouring gardens and the surrounding countryside. This limits the effect on neighbours and on this unlit rural edge. This relates to grounds 1.2 and 1.4.

The Parish Council reserves the right to make further representations should additional information be submitted in support of this application. The Parish Council would welcome the opportunity to discuss any of the above points with the case officer.

Yours sincerely

Cllr Martyn Wills

Chair of Planning Committee

For and on behalf of Hildenborough Parish Council