

# WROTHAM PARISH COUNCIL

## MINUTES OF THE PLANNING COMMITTEE MEETING HELD ON Friday 20<sup>th</sup> December at 3.30pm in Pilgrims Close, Whitehill, Wrotham

**Present:** Cllr's P Gillin (Chairman), H Rayner, K Denton & C Mills

**In Attendance:** Lesley Cox (Clerk)

1. **Apologies for absence:**

Cllr's Beach & Mrs Parker

2. **Attendance Register**

The register was signed and the following declarations noted:

All meetings

Cllr's Gillin, Rayner, Beach and Denton members of Keep Borough's Green

Cllr Beach member of the St George's Bell Ringers

Cllr Gillin member of Friends of Wrotham & Wrotham Xmas Lights

Cllr's Rayner & Gillin member of Friends of St George's

Cllr's Rayner & Beach member of Kent Association of Change Ringers

Cllr's Gillin, Rayner, Beach and Denton members of the Campaign for the Protection of Rural England – WPC corporate member

Cllr Rayner member of St George's Church of England Wrotham

Cllr Rayner retired member of the Baltic Exchange Ltd

Cllr Rayner Life member of the National Trust

Cllr Gillin committee members of Tonbridge & Malling branch of the Campaign for the Protection of Rural England.

Cllr Mills chairman of Friends of Wrotham

Cllr Mills Wrotham Parish Magazine Editor

Cllr Rayner assistant Village Magazine Deliverer

Cllr Rayner Life member of the Royal National Lifeboat Institute

Cllr Rayner Conservative Party Member

Cllr Rayner Member of Tonbridge & Malling Conservative Party Executive & Management Committees

Cllr Rayner declared an interest in planning application KCC/TM/0152/2019 and left the room during consideration of this item.

3. **Minutes**

Planning Meeting Minutes of 23<sup>rd</sup> August 19, approved by the Parish Council on the 4<sup>th</sup> September 19

4. **Public Question Time**

No public in attendance

5. **Planning Committee to Consider**

1. **Applications received**

<b>Application Number</b>	<b>Address</b>	<b>Details</b>	<b>Parish Council Recommendation</b>
KCC/TM/0152/2019	Borough Green Quarry Wrotham Road	Section 73 application for the variation of Condition 7 of planning permission TM/14/2728 to allow for a combined total of up to 240 HGV movements per day (120 in/120 out) to take place associated with all operations and uses of the site (including landfill, recycling and restoration)	Attached response previously submitted to KCC Planning ratified unanimously by members.
TM/19/02690/LDE	Rosador London Road	Lawful Development Certificate Existing: Use of land for steel fabrication falling within Class B2 (general industrial)	Redacted response attached
Tonbridge & Malling Local Plan 2021 - 2031	Borough of Tonbridge & Malling	Local Plan Post Submissions Consultation - Representations	Response prepared and submitted by the Legal / Expert Team ratified unanimously by members
Woolbro Homes	Oakdene Café London Road	Proposed Business Park	Agreed response to the proposal to be sent to Woolbro Homes

2. **Notification of decisions**

<b>Application Number</b>	<b>Address</b>	<b>Details</b>	<b>Decision</b>
TM/19/02444/RD	Petropolis Limited London Road	Details of condition 5 (external lighting) submitted pursuant to planning permission TM/19/00410/FL (Demolition of sales building, canopy, carwash and plant room, new sales building, canopy/forecourt, bin store, delivery bay, 7no customer parking spaces associated with existing petrol filling station)	Approved on 5 <sup>th</sup> December 2019

3. **Correspondence**

T&MBC Planning List 'B' No's 19/49 & 19/50

The meeting closed at 4.05pm

.....Chairman

.....Date

# Wrotham Parish Council

Lesley Cox  
Clerk

PO Box 228  
Sevenoaks  
TN13 9BY

Telephone 01732 886139

Email – wrothampc@btinternet.com

Ref: TM/0152

Date: 16 November 2019

Planning Application Reference **TM/19/1779 (KCC/TM/0152/2019)**  
Applicant **Robert Body Haulage Ltd**  
Address **Wrotham Road**  
Proposed **To vary condition 7 of TM/14/2728 to increase  
HGV movements from 182/day to 240/day, an  
increase of 58 movements or 32% daily.**

Decision **Objection on grounds of Unlawfulness**

**Addendum additional to WPC's previous comments and are made in the light of further emailed information supplied by Barton Willmore ("BW") on behalf of the Applicant and dated 22 Oct 19. The email addresses points raised by the Officer numbered 1 – 7 and this response is numbered similarly for ease of reference.**

## 1.0 Permitted Restoration Scheme

1.1 The Applicant confirms that the application's documentation is based on reforming the landscape into 'Development Platforms' that are considerably lower than the permitted restoration levels (Drawing "Restoration Contours"- 4393:07 -July 2003 - TM/93/305).

1.2 On that basis it was claimed that the backfill operation would be complete by 2025 with current vehicle movements and the increase in movements would allow completion in 2024.

*"3.7 As per the current HGV allowance/fill regime at Borough Green Quarry, it is estimated that the quarry would be completely filled by 2025.*

*3.8 By uplifting movements to 240 HGVs per day, this would enable the quarry fill to be completed by 2024 (i.e. a year earlier than currently estimated). This would assist in facilitating the delivery of the Relief Road (through this parcel) and provide for increased flexibility and efficiency in terms of the delivery regime for housing.*

*Ref: Barton Willmore Planning Statement June 2019*

The comments in paragraphs 3.7 and 3.8 are misleading, as they do not specify that they are predicated on unconsented changes in the permitted "Restoration Contours" of application TM/93/305.

1.3 The 2024/2025 timing is critical because Policy LP25 (Appendix E) of the proposed Draft Local Plan (“DLP”) sets out the Housing Trajectory for Borough Green Gardens (“BGG”) as completion of 40 dwellings in 2024/2025, 200 dwellings by 2025/2026, 440 dwellings by 2026/2027 and 760 dwellings by 2027/2028.

1.4 In the Statement of Common Ground (Ref: ED29 Draft Local Plan) BW, on behalf of the Quarry Owners, agrees the housing trajectory put forward by TMBC. BW does not make clear that the current consented restoration scheme cannot be achieved in the required timeframe for BGG proposal without significant changes to the consented restoration plans of the quarry that require further consents.

**ED29**

	Barton Willmore Comments	TMBC Comments	KCC Comments
<b>COMMON GROUND</b>			
<b>Housing yield / trajectory</b> - Do promoters agree with the council's view regarding the potential site yield as set out in Appendix E of the Local Plan?	Yes, the promoters agree with the Housing Trajectory for the site as set out in the Local Plan	TMBC welcome the promoters' agreement with the Housing Trajectory	KCC has no comment
<b>Construction start date</b> - Do promoters agree with the estimated start date as set out in the Housing Trajectory in Appendix E of the Local Plan?	Yes, the promoters agree with the commencement of development on site and the date of first delivery (2024/25) as set out in the Local Plan Housing Trajectory	TMBC welcome the promoters' agreement with the commencement date for construction on-site	KCC has no comment

1.5 In the 22 Oct 19 email of support for the Application BW confirms the time scale of what their technical experts JNP now consider a realistic timeframe for the completion of quarry restoration as consented by the TM/93/305 consent.

***“1. Permitted Restoration Scheme***

*As you have identified in your email, the submitted Earthworks Strategy (JNP) addresses the timescale for establishing complete development platform levels at the Site in order to facilitate the Borough Green Gardens development.*

*As per your request, JNP has reviewed the permitted restoration levels (shown on drawing “Restoration Contours”- 4393:07 –July 2003 – TM/93/305). It should be noted that the permitted restoration levels will be set at a higher level than development platform levels and will therefore require a greater extent of fill.*

*As per the existing fill regime at the Site (182 HGV movements per day), it is estimated that the extant restoration level will be reached within 8.5 years (i.e. by 2028). With the benefit of the proposed uplift in HGV movements (240 HGV movements per day), JNP anticipates that completed restoration levels at the Site will be achieved within 6.5 years (i.e. 2026).”*

**Ref: Barton Willmore email to KCC Planning 22 Oct 19**

1.6 By mid 2028 Policy LP25 and LP29 of the DLP requires 760 dwellings completed in Phase 1A as well as the complete 'Relief Road' from Darkhill Roundabout to Nepicar. Phase 1A of the DLP is the Application Site.

1.7 If the current application for HGV movements only, were consented, then restoration would take until mid 2026 to complete. The same DLP policies would require 440 dwellings and the imminent opening of the Borough Green Relief Road in its entirety.

1.9 The only conclusion possible is that the Applicants Technical Advisors have confirmed that the BGG proposal is undeliverable without further consents to:

- a) A 32% increase in daily HGV vehicle movements.
- b) An application to significantly reduce the consented restoration contours into 'development platforms', there by reducing the amount of backfill required and the timescale of restoration.

## **2. Relevance of Borough Green Gardens**

2.1 The Applicant asserts that *"expedited backfill which will help in the delivery of the Relief Road as well as the establishment of development platforms for housing delivery at the Site"* and that *"Borough Green Gardens is now formally part of the Government's Garden Communities Programme with Homes England"*. It is contended *"this should be weighed favourably in the planning balance"*.

2.2 BGG proposal is undoubtedly important to the Applicant and their agents BW, but fundamentally it must pass basic tests about deliverability in terms of timing and be lawful. The DLP was submitted in January 2019 and still does not have a date for an Inquiry. The evidence base for sustainability analysis was lacking as was the analysis itself and the Inspectors have requested a significant quantity of additional work by the LPA particularly around the decision to prioritise such a large part of the plan in a Green Belt area and partially within the AONB and totally within it's setting. The current situation is that the Inspectors have required the LPA as follows:

1. To agree to 'Main Modifications' to the DLP.
2. To agree to another round of Public Consultation in order to allow the public to consider the significant amount of new evidence and analysis and this has recently commenced.
3. To agree to reconsider the DLP and all of its policies including the principal sites in the light of that consultation process.

2.3 The Inspectors have 'significant concerns' which are centred on the BGG proposal as follows.

*"However, notwithstanding all of this, our significant concerns with regard to parts of the evidence base, particularly that relating to the Green Belt, sustainability appraisal and the site selection process remain. Having considered carefully the best way forward, we have decided to proceed to hearing sessions but taking a phased approach. The first phase of hearings will broadly cover the following:*

1. *Legal compliance and procedural matters, including the duty to cooperate (this is to ensure that any potential 'show-stopping' legal problems that we are unable to rectify are explored first)*
2. *The Green Belt*
3. *The site selection process, including the sustainability appraisal"*

**Ref: ED32 Inspectors to TMBC 12 Sep 2019**

2.4 The Inspectors have decided to split a forthcoming Inquiry into two sections, the first being 3 days to consider the most challenging aspects of the plan. No date has been set for this, as they first want the LPA to review the consultation comments and decide whether the DLP requires modification. The second part of the Inquiry is therefore dependant on the outcome of the first.

2.5 The Applicant acknowledges that due to the early stage of the DLP, which has not been tested at Inquiry, the proposal cannot be afforded significant weight but they then indulge in semantics by affording it 'material weight' apparently because it is a significant part of the DLP. They do not consider, for example, that the site may well become a 'Major Modification' and give way to one of the alternative sites that are not within the MGB or setting of the AONB.

### 3.0 Permitted Recycling Operations

3.1 The Applicant alleges that recycling operations will continue; however neither the Vectos Transport Statement or the JNP Volumetric Analysis and HGV Trip calculations take any recycling operations into account.

*"The current activities on site are limited to backfilling of the quarry through the importing of inert materials." Ref: Vectos Transport Statement*

### 2.3 Anticipated Vehicle Movements

2.3.1 Of the above two scenarios, facilitating the complete filling of the pit in one continuous operation, is the preferred solution

2.3.2 The analysis is predicated on the sole use of 20 tonne 8 wheeler lorries which would carry a net, fully compacted, volume of suitable fill of 11m<sup>3</sup>

#### *Preferred Scenario Completely Filling Pit to Anticipated Development Platform*

- ↳ Under existing Permission at a rate of 91 vehicles in per day 6 years
- ↳ Increasing to 120 vehicles in per day 5 years
- ↳ Increasing to 150 vehicles in per day 4 years

2.3.3 In engineering terms, this presents the best possible solution and carries the lowest risk, if any, of differential movement between layers/areas of compacted fill

#### **Ref: JNP Volumetric Analysis and Vehicle Trip Movements Analysis**

3.2 It is clear that none of the consented vehicle trips have been set aside for recycling operations. The Applicant alleges as follows.

*“The increase in HGV movements will enable a greater degree of recycling to occur from the Site and this is considered to be a further environmental benefit of the application proposals.”*

**Ref: Barton Willmore email to KCC Planning 22 Oct 19**

3.3 Since none of the Applicant’s Expert Reports have built in an allowance for HGV movements to carry out recycling operations then it is clear that recycling has stopped in the rush to backfill the site. The alleged ‘environmental gain’ is a significant disbenefit to the County Council as the loss of recycled secondary aggregates across the complete site will require significant quantities of fresh dug aggregates from the County Council’s reserves.

### 4.0 / 5.0 & 6.0 Air Quality Noise and Vibration

Please refer to section 4.0 HGV Transport and 5.0 Accumulation Effects of Multiple HGV Generators of WPC’s Objection Letter dated 18 August 2019.

### 7.0 Scope of the Current Application (KCC/TM/0152/2019)

7.1 The application is made under Section 73 of the Town and Country Planning Acts to vary Condition 7 of a consented application TM/14/2728. The operative wording describes the application KCC/TM/0152/2019 as follows.

*“Section 73 application for the variation of Condition 7 of planning permission TM/14/2728 to allow for a combined total of up to 240 HGV movements per day (120 in/120 out) to take place associated with all operations and uses at the site (including landfill, recycling and restoration)”*

**Ref: Proposal from KCC’s Planning Portal**



7.2 Ostensibly this is a simple application to vary traffic movements if you take the literal meaning. The traffic movements being associated with “all operations and uses at the site” and it lists those operations that the traffic movements are associated with.

Application TM/14/2728

7.3 Condition 7 states as follows.

*“7. HGV movements associated with the quarry restoration, landfill and recycling operations shall, together, not exceed 182 HGV movements per day (91 in 91 out).”*

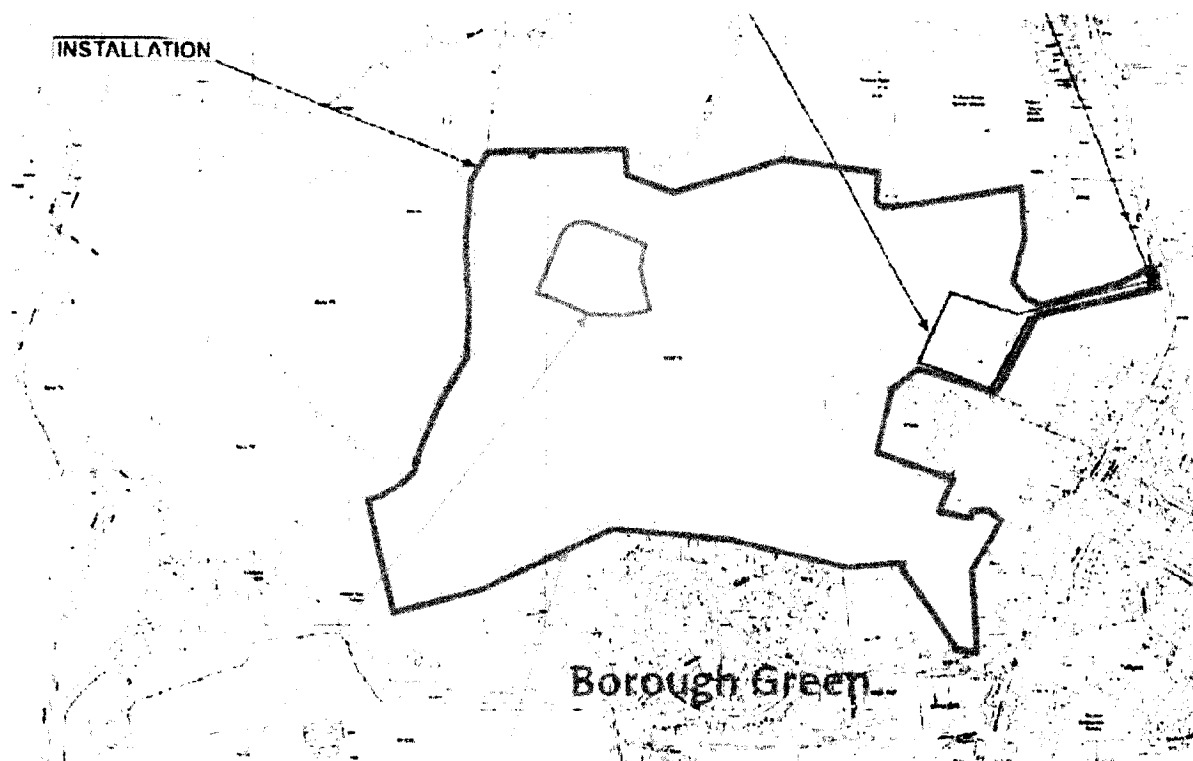
**Ref: Condition 7 from Decision Notice for TM/14/2728**

7.4 The operative wording of this application is as follows.

*“Application to relocate and raise the ground level for the recycling operations and for the permanent presence of recycling plant in the recycling area for the duration of landfilling”*

**Ref: Proposal /Operative Wording of TM/14/2728 from KCC’s Planning Portal**

The application was to provide a permanent recycling facility at a raised level to the previous one and on a defined area of the site, which is small in relation to the whole site and defined in the Site Location Plan No 1020.



Proposed recycling area

Borough Green Landfill Boundary

A letter from the Applicant's Agent provides further explanation on the scope of the application.

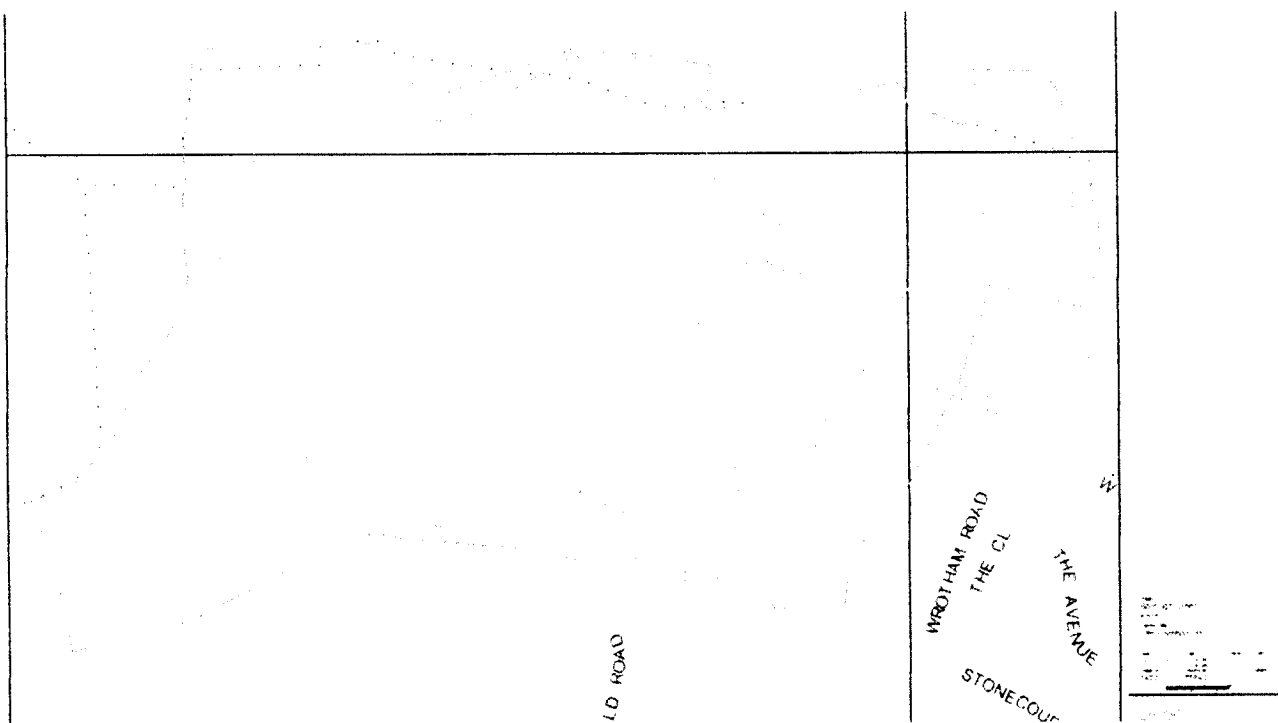
*"Further to our discussions and site meeting this letter has been written to support a planning application to move and raise the level of the permitted recycling area on site and to retain recycling plant on site for the duration of landfilling works as opposed to being used on a campaign basis."*

"Cemex effectively mothballed the site prior to RBH taking over and the recycling area had several stockpiles of materials present. When these materials were moved the ground elevation was found to be 69-70m AOD, which is in excess of the approved level of 62m AOD. Therefore, consultation was undertaken with Kent County Council (KCC) to submit a planning variation to raise the approved elevation. During pre-application consultation it was revealed that operations has also moved further to the west outside the approved recycling area and a new application was required." **Ref: Foresite Projects letter to Officer: 4 Jul 2019**

The permanent recycling area within the red line and established by this application would generate additional HGV movements to import suitable waste materials and to export the secondary aggregates that can replace fresh dug materials in some groundwork requirements. Hence Condition 7 of the application raised the quarry movements to 182 per day.

Current Application (KCC/TM/0157/2019)

7.5 The site for this application is defined by the Site Location Plan, drawing no ET-P-02 and it is clearly the majority of land within the ownership parcel and a much greater area than the original application (TM/14/2728) amended.



7.6 The operative wording of the application only refers to a variation in vehicle movements if it is read literally. It is when the various reports and emails are read in detail it becomes apparent that the actual proposal is far greater and more extensive than the operative wording of the application that is being applied for. For example:

*1.1.4 The attached drawings indicate areas of proposed cut and fill and provide guidance on possible finished ground levels. These have been derived in consultation with Surface Water Drainage and Flood Risk Engineers at JNP Group, to ensure developability.*

*2.2.3 Note that the anticipated build platform level is lower than the original restoration level. Thus the volume of fill required will be less than for the original restoration plan.*

*2.2.6 The above two scenarios were chosen to give the upper and lower bound estimates. The existing filling rate permission allows for the pit to be backfilled sectionally, with filling in some parts completed in advance of other parts of the pit. Allowing the pit to be filled completely in an even manner would allow best engineering practice and efficiencies to prevail, as well as providing increased flexibility for the Borough Green Gardens development.*

**Ref: JNP Outline Accelerated Earthwork Strategy for Robert Body Haulage Quarry Pit**

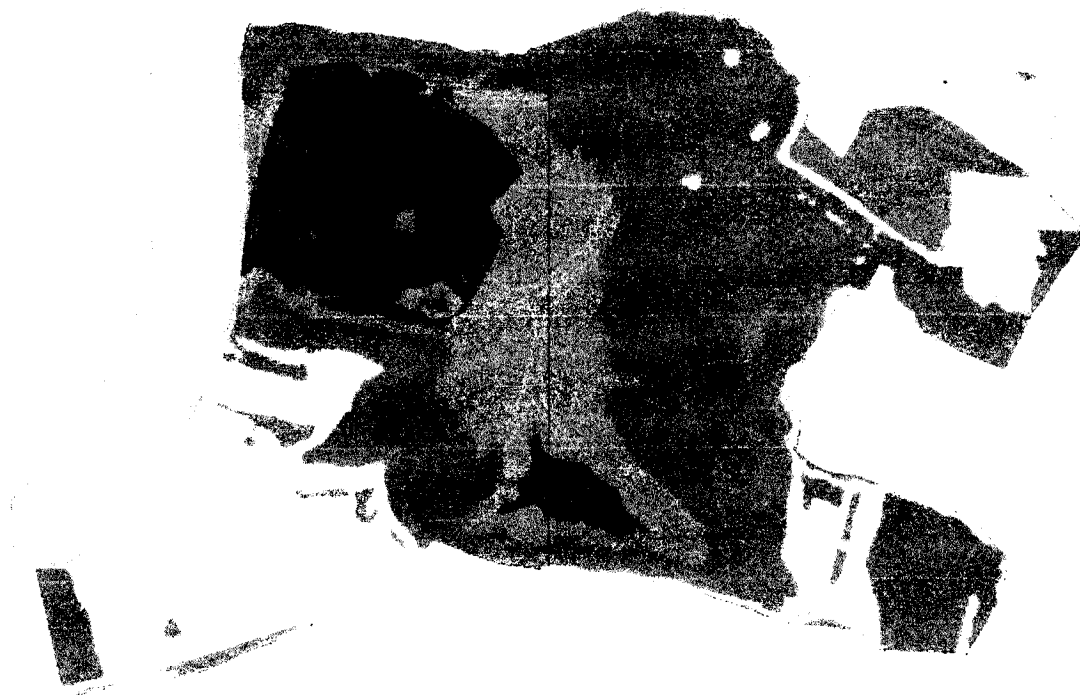
7.7 There are three topographical type drawings as appendices to the JNP Accelerated Earthwork Strategy that defines levels in terms of colour as follows.

Draw No

C85795-SK-012 Pit Existing Surface Levels, no road detail

C85795-SK-010 Development Platform Levels with details of a road

C85795-SK-011 Proposed levels necessary for Relief Road including road and junction detail



**Ref: Appendix B: C85795-SK-010 RBH Pit Fully Filled Plan**

7.8 The map is the 'fully filled plan', a somewhat ambiguous term that appears to refer to a plan of the final levels the application is seeking to achieve and this assumption is supported by the inclusion of a road and junction in the form of a roundabout with the A227. The report refers to these final levels as 'Development Platforms'. The area included is all of the site apart from a strip along the west of the site.

7.9 It is now confirmed by the Officer's email and the response from the Applicant that the scope of the application is extensive and the proposed development platforms would lower the levels of the consented "Restoration Contours"- 4393:07 –July 2003 plan. This is primarily to reduce the amount of backfill required in order to carry out the backfill operation in a timescale that fits in with the requirements set by TMBC for BGG proposal.

*As you have identified in your email, the submitted Earthworks Strategy (JNP) addresses the timescale for establishing complete development platform levels at the Site in order to facilitate the Borough Green Gardens development.*

**Ref: Barton Willmore email to KCC Planning 22 Oct 19**

## 8.0 Case Law Applicable to the Current Application

8.1 In case law there is a distinction between the "operative part" or grant of the planning permission on the one hand, and the conditions to which the operative part or grant is subject. The distinction between these two parts of a planning permission is reflected in other provisions of the 1990 Act. The grant identifies what can be done, what is permitted, whereas conditions identify what cannot be done.

8.2 The current application (KCC/TM/0152/2019) seeks to change Condition 7 of TM/14/2728 to increase the vehicle movements apparently. However, under questioning by the Officer, the Applicant has conceded that they seek the following.

1. To increase vehicle movements.
2. To change the consented restoration contours as defined by Plan 4393:07 of consented application TM/93/305, dated July 2003.
3. To change the consented phasing of backfill from a section-by-section approach to one of complete fill.

8.3 The operative wording of this application is as follows.

*"Application to relocate and raise the ground level for the recycling operations and for the permanent presence of recycling plant in the recycling area for the duration of landfilling"*  
**Ref: Proposal /Operative Wording of TM/14/2728 from KCC's Planning Portal**

This application pertains to a small area of the site and details a permanent recycling operation to be established at a prescribed ground level.

8.4 Some relevant case law judgements are as follows.

Supreme Court judgment in **Lambeth LBC v SSHCLG [2019] UKSC 33**, where Lord Carnwath said: “A permission under section 73 can only take effect as an independent permission to carry out the same development as previously permitted, but subject to the new or amended conditions.” {Emphasis added}

**Cadogan v SSE (1992) [65 P & CR 410]** “A condition on a planning permission will not be valid if it alters the extent or the nature of the development permitted.”

8.5 The current application seeks to use a Section 73 application to modify a condition to vary traffic movements. The ‘operative wording’ of the application (TM/14/2728) is applicable to a small area of the site that establishes a recycling centre at a prescribed level. If we consider the ‘same development as previously permitted’, then the following would fall outside of this definition.

1. The restored levels of a quarry that have been authorised by a different consent.
2. The phasing of backfill of a quarry that have been authorised by a different consent.
3. Any changes in the development outside of the red line in Site Location Plan No 1020 of TM/14/2728
4. Traffic movements associated with aspects of the quarry that are required for reasons other than recycling.

To consent this application would be contrary to the guidance provided by Lord Carnwath in the Supreme Court judgment in **Lambeth LBC v SSHCLG [2019] UKSC 33**

8.6 The County Council is being asked to consent a revised condition that will alter the ‘extent and nature’ of the development permitted. This would be contrary to clarification provided in **Cadogan v SSE (1992) [65 P & CR 410]**.

## 9.0 Conclusions

9.1 To consent application KCC/TM/0152/2019 would be unlawful.

9.2 The comments in paragraphs 3.7 and 3.8 of the BW Planning Statement are misleading because they do not specify that they are predicated on unconsented changes in the permitted “Restoration Contours” of application TM/93/305.

9.3 The Applicant uses the BGG proposal as special case justification for this application even though it is conceded, “*at the current time, we consider (agree) that the Borough*

*Green Gardens proposal cannot be afforded significant weight". In planning terms this would appear to be somewhat perverse.*

There are no justifications given other than the BGG proposal, the amount of housing it might provide, the percentile of the overall housing plan and the fact that it may be eligible for Gov funding but only if it is lawful and deliverable as determined by an Inspector at a Planning Inquiry, which has not been tested yet.

9.4 The Applicants dependence on an alleged 'planning balance' gain that is reliant on the success of the BGG proposal within the DLP, makes the potential success of that BGG proposal relevant to this application.

9.5 BW, the agent representing the Applicant for Phase 1A of the BGG proposal has agreed to comply with a housing trajectory with both TMBC and KCC in the Statement of Common Ground without qualification. It is now clear that the Applicant is not in a position to do this without extensive and time consuming further planning applications that need consents, there is no certainty to the outcome, and there is an imminent Inquiry in the New Year that will focus on the deliverability of the BGG proposal.

9.6 In the area covered by Phase 1B of the BGG proposal there is considerable time dated photographic evidence over a twelve month period that strongly suggests that the quarry involved in Phase 1B has increased vehicle movements to levels considerably above those consented and operating them outside of permitted time constraints. All of the evidence is now in the possession of the County Council. This would indicate that this phase is also struggling to meet TMBC's required timetable for housing and provides further evidence as to the potential undeliverability of the multiple sites that collectively constitute the BGG proposal site.

9.7 The 'Relief Road' is to be constructed and operational from the Darkhill Roundabout in the west to Nepicar in the east, including two large primary road network roundabouts during Phase 1A and before the completion of just 450 dwellings. It will need to cross current active quarries and as yet virgin unquarried land within the County Council's Mineral Plan reserves.

At present there is no legal framework within which the Quarry Owing Consortium or their agent BW are giving legally binding guarantees to the County Council and the Borough Council. The project is not developer lead and is without costing to demonstrate its deliverability.

This is made apparent by the 'Statement of Common Ground' comments made by BW and now found to be untrue. There can be no guarantee that the BGG proposal can be deliverable from the evidence to date, that the Borough Council's housing trajectory can be complied with. The current Applicant's technical advisors JNP, have provided proof that Phase 1A is undeliverable without significant further quarry applications needing to

be consented. These would require a further Scoping Survey and possibly be also dependant on the outcome of an Environmental Impact Assessment given the far-reaching implications for environmental issues that are being proposed.

9.8 The evidence from expert's reports suggests that the Applicant has ceased recycling operations on the site. This would be a logical conclusion given that they are desperate to increase backfill to comply with a TMBC timetable that they are currently missing by around 4 years. It would also be logical to assume that other quarries have come to similar conclusions. The lack of any recycled secondary aggregates will significantly increase the need for fresh dug minerals to the detriment of the County Council's reserves. This issue needs to be fully explored by the applicant's technical advisors JNP in a future application report, should one be forthcoming.

9.9 Given that this application is unlawful, the outcome further diminishes the prospect of BGG being considered to be deliverable within the DLP. It also diminishes the prospect of further applications that are solely dependant on the alleged planning balance benefit of BGG being successful, prior to an examination by the appointed Inspectors.

# Wrotham Parish Council

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Clerk

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TN13 9BY

Telephone 01732 886193  
Email – wrothampc@btinternet.com

Ref: 19/02690/LDE  
Date: 20 December 2019

**Address Rosador London Road Wrotham TN15 7RR**

**Proposal LDC Application for existing use of property for steel fabrication**

It is alleged by the applicant that a steel fabrication business was conducted from Rosador TN15 7RR for over 10 years to 2019. WPC has sufficient evidence and can prove this to be incorrect.

There is much photographic evidence and evidence from local people and the 'Friends of Wrotham' Charity that runs the Annual Wrotham Steam and Transport Rally that a waste recycling business was run from the garden of Rosador until the applicants period of estrangement from his wife during divorce proceedings in 2012 and 2013.

WPC submitted to TMBC numerous photographs previously and can do so again if required, of this use including the skip lorries, skips, waste recycling and piles of processed waste. There is no photographic history during frequent visits to Nepicar Park next door, that metal fabrication was being conducted in Rosador, which is adjacent and lower.

The accounts of 'Friends of Wrotham Charity' show that skips were hired from the applicant for their June rally in 2010, 2011 and 2012. On 12/10/2012 the minutes of the charities meeting record that the order for the subsequent year was switched to Sita Skips due to "communication difficulties with the company". This was during the applicant's period of absence from Rosador.

During that time [REDACTED] approached TMBC Planning and WPC to determine whether Rosador could be used for industrial purposes, as this would affect the value of the property. WPC was given copies of emails between Marion Geary and [REDACTED] and asked whether we could corroborate the planning opinion of TMBC which essentially was that the site was external to Policy M1(m) which ended next door and as a result puts Rosador within 'countryside', in effect.

[REDACTED]  
Rosador  
London Road  
Wrotham  
Sevenoaks  
Kent  
TN15 7RR

Contact Marion Geary  
Direct line 01732 87 6252  
Email marion.geary@tmbc  
Fax 01732 57 6262  
Your ref  
Our ref PPL/S/TM/09/00429/01  
Date 11 February 2019

Dear [REDACTED]

Rosador London Road Wrotham Sevenoaks Kent TN15 7RR

I write further to your email of 14 February 2013 (attached)

Your property and Poppars are in the countryside, located in the Green Belt and in Area of Outstanding Natural Beauty (AONB)



WPC considers the following paragraph relevant to this investigation.

*"I note the listed planning and environmental issues at Rosador that you consider relevant. I can advise that there have been a number of planning enforcement investigations of the site in the last 10 years. In none of these did the Council establish that a breach of planning control had occurred. We hold a current case open on a possible skip hire activity but it has yet to be concluded." Ref: Marion Geary email 11/02/2013*

A senior planning officer confirms in 2013 that a number of planning investigations have already taken place with no evidence of metal fabrication. The evidence that WPC holds also confirms this.

**[REDACTED]** in her original email said on the 04/02/2013, "my estranged husband and I are in divorce proceedings where upon on the 30<sup>th</sup> November 2012 he submitted to Dartford County Court a Statement of Truth .."

The email goes on to confirm that the entire property is for sale with Kings Estate Agents on and probably before the 17 October 2012 and that the applicant was not living at the property at that time. It is also confirmed that **[REDACTED]** is attending court from Rosador on the 28 February 2013.

It is clear from the email evidence in possession of WPC that came from TMBC that the applicant was estranged from his wife during a court process where she lived at Rosador and he lived elsewhere and he did not conduct regular business activities at Rosador during that period.

The whole property was being marketed by Kings Estate Agents and **[REDACTED]** conducted viewings during that period.

In conclusion the applicant or others were unable to carry out a metal fabrication business or any other business during the period of estrangement and the marketing of the property, which the emails refer to. This period is the 6 months inclusively between October 2012 and March 2013. Given the nature of the evidence involving court proceedings then this period is considered to be significantly longer than these immediate emails can evidence.

The statement from Marion Geary of TMBC confirms that there is no evidence of steel fabrication up to 11/02/13 as a result of several enforcement investigations.

It is therefore clear that there is incontrovertible evidence that a steel fabrication business, or any other business, has been conducted on the premises for a full ten years prior to TMBC issuing enforcement proceedings against the applicant in 2019.

WPC can provide the emails as evidence but it is presently assumed that since the emails emanated from TMBC, they are within their records.