

Alleged Unauthorised Development

Mereworth

05/00218/UNAWKS

565893 153236

Hadlow, Mereworth And
West Peckham

Location: Land Adjoining Former Telephone Repeater Station Tonbridge
Road Mereworth Maidstone Kent

1. Purpose of Report:

1.1 To report the unauthorised creation of an access on to the A26 Tonbridge Road.

2. The Site:

2.1 The site lies on the Northern side of the A26 approximately 30m from its junction with Seven Mile Lane

3. History (most recent):

3.1 TM/05/00338/FL Refused 15.04.2005
Construction of four bedroom house with access and double detached garage.

4. Alleged Unauthorised Development:

4.1 Without planning permission the construction of an access on to the A26 Tonbridge Road.

5. Determining Issues:

5.1 The site has been the subject of inspection since the beginning of the year. In May the Authority received information that the owner of the site was intending to create a new access on to the land. A letter was sent to the owner on 20 May 2005 pointing out that any new access on the land would require the benefit of planning permission and that it was more than likely that permission would not be forthcoming.

5.2 The site was monitored from the beginning of June and it was clear that works were undertaken to form an access. An earth ramp was created within the site and a gate was erected at the front of the site where it joins the A26 Tonbridge Road. A letter was sent to the owner's agent on 20 June stating that the access should be removed or the Authority would have to consider Enforcement Action to seek its removal. In a telephone conversation it was alleged that an access has always been in this location. They were asked to provide this information which to date has not been forthcoming. Having checked all available history and photographs that are available to the Authority there is no evidence to suggest that an access on to the A26 has ever existed from this parcel of land.

- 5.3 Although the site lies within the MGB and a SLA the overriding issue is whether the new access meets the terms of Policy T19 of the Kent Structure Plan. The development involves a new access on to a primary route and will increase the risk of accidents in this area.
- 5.4 The agent has written stating that there has always been an access on site and has provided two letters alleging an access has always been in this location. We have written to the agent suggesting that an application for a Certificate of Lawful Development be submitted. As stated above I do not believe that there will be sufficient evidence submitted to prove that an access has existed in this location or certainly not for the requisite time.
- 5.5 For the reason cited in 5.3 I believe that its is expedient to take enforcement action to seek the removal of this unauthorised access but to hold the service of this Notice in abeyance pending the outcome of any application for a Lawful Certificate. Should no application be submitted within 21 days of the date of the Committee the Notice to be served.

6. Recommendation:

An Enforcement Notice **be issued** as set out below and copies **be served** on all interested parties.

The Notice to take effect not less than 28 days from the date of service, subject to:

- The concurrence of the Chief Solicitor, he being authorised to amend the wording of the Enforcement Notice as may be necessary.
- In the event of an appeal against the Notice the Secretary of State and the appellant to be advised that the Local Planning Authority is not prepared to grant planning permission for the development the subject of the Enforcement Notice.

Breach Of Planning Control Alleged

Without planning permission the creation of an access on to the A26 Tonbridge Road.

Reasons For Issuing The Notice

It would appear this Authority that the above breach of planning control has occurred within the last four years. The new access does not meet the terms of Policy T19 of the Kent Structure Plan 1996 as it involves the creation of an access on to a primary route which could increase the risk of accidents in the area.

Requirement

To remove the access from the land by removing the earth ramp on site. The removal of the gate at the front of the site and the permanent closure of the access by planting a native hedge along the front of the site and the A26.

Period For Compliance

14 days from the date the Notice becomes effective.

6.2 Further Proceedings

In the event of the Enforcement Notice not being complied with and subject to satisfactory evidence, the Chief Solicitor **be authorised** to commence any proceedings which may be necessary under Section 179 of the Town and Country Planning Act 1990 (as amended) to secure compliance with the Enforcement Notice.

Contact: Richard Edmonds