

Alleged Unauthorised Development

Ightham
Ightham

05/00476/UNAUTU

558834 155149

Location: The Chase Sandy Lane Ivy Hatch Sevenoaks Kent TN15 0PB

1. Purpose of Report:

- 1.1 To report the alleged unauthorised change of use of a domestic outbuilding formally used as a keep fit /dance studio to office.

2. The Site:

- 2.1 The site is situated outside the village envelope of Ightham, within the MGB, SLA and an Area of Special Character.
- 2.2 The site is situated within a large plot. The studio lies approximately 15m to the south of the dwelling house.
- 2.3 The business is accessed by the main access to the dwellinghouse. The staff park their vehicles on the driveway leading to the garage building which lies to the north of the house. There are 3-4 spaces available for parking and turning in connection with the main dwellinghouse.

3. History:

- 3.1 TM/84/0925 Approved 24.09.1984
Two storey pitched roof building to form a workshop and store.
- 3.2 TM/89/0038 Approved 07.04.1989
Erection of keep-fit/ dance studio – for private use only.
- 3.3 TM/90/1003 Do not require permission 20.08.1990
Section 53 Determination: Alterations to building and use as self-contained living accommodation forming annexe to main dwelling.
- 3.4 TM/06/00583/FL Refused 14.06.2006.
Change of use of studio to office (retrospective).

4. Alleged Unauthorised Development:

- 4.1 The unauthorised change in use from domestic outbuilding formally used as a keep fit/dance studio to office.

5. Determining Issues:

- 5.1 Members will recall that at the June Committee it was resolved to refuse planning permission for the change in use of studio to office. The application was retrospective and it is clear that the unauthorised use is still continuing.
- 5.2 As the application was retrospective and the use is still in operation the Authority must now decide if enforcement action is expedient to require the cessation the unauthorised use.
- 5.3 It is felt that because of its commercial nature, the office use is sited in an unsustainable location and it is also considered that the use causes harm to the special rural character and amenities of this locality which is designated Special Landscape Area and an Area of Special Character. This harm is particularly evidenced through the extent of car parking and other activities likely to be attracted to the site. For this reason the use is contrary to Government policy contained within Planning Policy Statement Notes 1 and 7, Planning Policy Guidance Note 13 and polices SP1, EN5, EP3, EP7, TP3 and SS8 of the Kent and Medway Structure Plan 2003 and policies P3/6, P4/8 and P4/11 of the Tonbridge and Malling Borough Local Plan.
- 5.4 The use gives rise to unacceptable harm to the residential amenities of nearby dwellings and to users of surrounding lanes by virtue of the additional traffic generated in connection with the business use and, therefore the use is considered to be contrary to Policy SS8 of the Kent and Medway Structure Plan and P4/11 of the Tonbridge and Malling Borough Local Plan 1998.
- 5.5 For the above reasons it is considered expedient to take enforcement action to seek the cessation of the unauthorised use.

6. Recommendation:

- 6.1 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 unauthorised change in use of domestic building formally used as keep fit/dance studio to office.

Reasons For Issuing The Notice

It would appear to this Authority that the above breach of planning control has occurred within the last ten years. The use is sited in an unsustainable location and it is also considered that the use causes harm to the special rural character and amenities of this locality which is designated Special Landscape Area and an Area of Special Character. This harm is particularly evidenced through the extent of car parking and other activities likely to be attracted to the site. For this reason the use is contrary to Government policy contained within Planning Policy Statement Notes 1 and 7, Planning Policy Guidance Note 13 and policies SP1, EN5, EP3, EP7, TP3 and SS8 of the Kent and Medway Structure Plan 2003 and policies P3/6, P4/8 and P4/11 of the Tonbridge and Malling Borough Local Plan. The use gives rise to unacceptable harm to the residential amenities of nearby dwellings and to users of surrounding lanes by virtue of the additional traffic generated in connection with the business use and, therefore the use is considered to be contrary to Policy SS8 of the Kent and Medway Structure Plan and P4/11 of the Tonbridge and Malling Borough Local Plan 1998.

Requirement

To cease the unauthorised office use.

Period For Compliance

Three calendar months 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