

**Alleged Unauthorised Development**

**Offham**

**05/00088/UNAWKS**

**565531 157337**

Downs

Location: Land South West Of 1-4 Dutts Cottages Teston Road Offham  
West Malling Kent

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**1. Purpose of Report:**

- 1.1 As Members will be aware the above enforcement case was reported to June APC2 alongside planning application TM/05/03170/FL with recommendations for refusal of the planning application and for enforcement action to be taken. The previous report is attached as an Annex.
- 1.2 Members will recall that the consideration of planning application was deferred for a Members Site Inspection arranged for 11 July 2006. Consequently the consideration of the enforcement elements of the report were also deferred from consideration.
- 1.3 Planning application TM/05/03170/FL was subsequently withdrawn on 7 July 2006 and accordingly the Members Site Inspection was cancelled.

**2. Alleged Unauthorised Development:**

- 2.1 Alleged unauthorised erection of a wooden building

**3. Determining Issues:**

- 3.1 Officers have since inspected the site and there is no significant or material change since the previous report was prepared. The principal issues surrounding this case, and the reasons why it is considered appropriate to serve an Enforcement Notice, were set out in my previous report. As indicated above, an internal inspection of the building and the site generally, has taken place recently. Although some of the furniture and domestic equipment had been removed from the building, most of the fixtures and fittings remained. The new agent acting for the applicant has written to reiterate that the intention is to use the building as ancillary facilities to the applicant's house. However, for the reasons set out in my original report, I do not believe that this alters the fact that this building is inappropriate development and is unacceptable on this site. Similarly, there has been no substantial physical change to the site or the surrounding circumstances since the previous report. Therefore reiterate my recommendation that an Enforcement Notice be served.

**4. 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.

#### **4.2 Breach Of Planning Control Alleged**

Alleged unauthorised erection of a wooden building.

##### **Reasons For Issuing The Notice**

It appears to the Council that the above breach of planning control has occurred within the last 4 years.

The site lies within the Metropolitan Green Belt where there is a strong presumption against permitting inappropriate development, as defined in PPG2: Green Belts and policy MGB3 of the Kent Structure Plan 1996. The proposed development constitutes inappropriate development and is therefore contrary to policy MGB3 and also policy P2/16 of the Tonbridge and Malling Borough Local Plan 1998.

The proposal is contrary to Policy RS5 of the Kent Structure Plan 1996, which states that development will not normally be permitted in rural Kent, other than at the villages and small rural towns, unless the development falls into one of the special categories listed in policy, none of which applies to the development proposed.

The Local Planning Authority does not consider that there is any justification, in the circumstances of the present application for overriding the planning policy objections.

The reason for taking enforcement action is to remedy the injury to amenity.

##### **Requirement**

To remove the structure and all of its arisings from the site.

##### **Period For Compliance**

3 calendar months from the date the Notice takes effect.

### 4.3 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: Lesley Wetherill