

Alleged Unauthorised Development

Plaxtol

07/00010/COND

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Borough Green And
Long Mill

Location: Brook Farm Oast Brook Lane Plaxtol Sevenoaks Kent TN15
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1. Purpose of Report:

- 1.1 To report an alleged breach of planning control involving the construction, without planning permission, of a link extension to join the dwellinghouse to a detached outbuilding within the last four years.

2. The Site:

- 2.1 Brook Farm Oast is a small converted single kiln oast lying on the south side of Brook Lane on the eastern edge of Plaxtol, but outside the confines of the settlement and within the MGB and SLA. There is open countryside to the east and south of the premises. There are two cottages on the north side of Brook Lane with open countryside beyond. The long side of the narrow rectangular plan of the oast fronts onto Brook Lane with a single round kiln at its eastern end. There are two detached former agricultural outbuildings situated at a right angle to the dwelling within the rear garden of the premises that have planning permission for domestic uses ancillary to the dwelling (TM/97/00784/FL). One of these outbuildings has been linked to the dwelling by an unauthorised single storey extension.

3. History:

- 3.1 TM/06/00998/FL Approved 2 June 2006
Erection of glazed link extension.
- 3.2 TM/05/03385/FL Withdrawn 9 February 2006
Erection of link extension (retrospective).
- 3.3 TM/98/00843/FL Refused 22 July 1998
Single storey extension linking Oast House and outbuilding.
- 3.4 TM/97/00784/FL Approved 9 September 1997
Variation of condition 16 of TM/93/0762/FL to enable use of stable and cow shed for domestic purposes.
- 3.5 TM/93/00762/FL Approved 10 October 1993
Conversion of Oast into two bedroom dwelling house (revised scheme).
- 3.6 TM/90/1618 Refused 4 March 1991; Appeal Dismissed 23 August 1991
Two storey rear extension.

- 3.7 TM/89/1156 Approved 29 December 1989
Conversion of Oast to dwelling with access.
- 3.8 TM/87/1868 Refused 3 February 1988; Appeal Dismissed
Conversion of Oast to dwelling.

4. Alleged Unauthorised Development:

- 4.1 A single storey extension has been constructed to fill an approximately 2.8m wide gap and link the converted oast to a formerly detached outbuilding that has planning permission for uses ancillary to the dwelling (TM/97/00784/FL). Condition 14 of planning permission TM/93/00762/FL removed permitted development rights relating to the construction of extensions or alterations to the dwelling and the provision of buildings within the curtilage. Consequently the extension does require planning permission which has not been granted and the link extension is therefore in breach of planning control.

5. Determining Issues:

- 5.1 Planning permission was refused under application reference TM/98/00843/FL for a single storey extension to link the converted oast to the outbuilding to the rear on the grounds that it would fail to preserve the intrinsic character of the converted farm building. The extension that has been constructed is smaller, but of similar area and character to the one that was refused permission. A retrospective planning application reference TM/05/03385/FL was submitted to retain the unauthorised extension as built, but was subsequently withdrawn.
- 5.2 Under Policy P6/10 of TMBLP the extension of a dwelling created by the conversion of a rural building will not normally be acceptable. However in this case the converted oast was separated by a distance of about 2.8m from an outbuilding that has permission to be used for domestic purposes. The existing link extension is of similar form and appearance to the existing buildings and therefore the oast has lost its original character by being linked to the outbuildings. However an alternative proposal was granted planning permission under application reference TM/06/00998/FL involving the construction of a glazed link of a smaller size and height and lightweight construction and appearance enabling the original form of the oast to be retained and the outbuildings to be seen as a separate entity, whilst still providing a functional link between the dwelling and the outbuilding. This approved glazed link has not been built, and the unauthorised link remains on site.
- 5.3 The buildings form an attractive group of former agricultural buildings helping to enhance the rural character and landscape on the edge of the village particularly when viewed from the more elevated eastern end of Brook Lane and Allens Lane. The effect on the character of the building therefore impacts on the wider rural landscape.

5.4 Planning permission TM/06/00998/FL cannot require the replacement of the unauthorised and unacceptable extension by the approved extension. Indeed, there is no obligation to implement a planning permission, once granted, and any conditions imposed upon a planning permission are only effective once that permission has been implemented. It is therefore appropriate to issue an Enforcement Notice to secure the removal of the unauthorised extension in the interests of restoring and preserving the character, appearance and integrity of the original building.

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 erection of a timber clad extension under a tiled roof linking the existing dwelling to a formerly detached outbuilding (the location to be identified in black on the plan to be attached to the Enforcement Notice).

Reasons For Issuing The Notice

It appears to the Council that the above breach of planning control has occurred within the last four years. The building in question was substantially completed less than four years ago. The link extension as constructed fails to preserve the intrinsic character of the converted farm building for the reason that the extension, by virtue of its scale, bulk, size and detailed design and appearance causes harm to the character, appearance and integrity of this simple Kentish oasthouse and causes harm to rural amenity and therefore fails to meet the requirements of Policy P6/10 of the Tonbridge and Malling Borough Local Plan. The Council does not consider that there is any justification for overriding the planning policy objections to the retention of the existing extension. Planning permission has been granted for a replacement extension under application reference TM/06/00998/FL. This approved extension is of a different size and design that would overcome the objections to the existing link extension and could be constructed without severe detriment to the character of the converted oast or amenity of the rural area. The service of the Enforcement Notice is required to ensure the proper planning of the area and to remedy a serious injury to the amenity of the converted farm building and to the amenity of the rural area within a Special Landscape Area.

Requirement

1. Demolish the extension between the existing dwelling and the outbuilding identified on the plan attached to the Notice, except for the existing boundary wall incorporated into the rear wall of the western elevation of the structure.
2. Make good the fabric of the existing dwelling, out building and boundary wall where the unauthorised extension has been removed.
3. Remove from the land all building materials and rubble arising from compliance with requirement 1 above.

Period For Compliance

Six calendar months from the date that the Notice takes effect.

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.

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