

Alleged Unauthorised Development

Plaxtol
Borough Green And
Long Mill

07/00010/COND

561356 153644

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.
- 1.2 Members will recall that a report in respect of this matter was considered by this Committee at your meeting on 14 March 2007. Members resolved to carry out a Members' site inspection prior to making a decision on this matter. At the time of writing this report, it has not been possible for logistical reasons to arrange this site inspection. However, I hope that it will have been possible to carry out the site inspection in advance of the Committee meeting on 18 April.
- 1.3 Members should be aware that the construction of the link extension that is the subject of this case was seen to be under construction during May 2003. The "four year rule" applies in this case, such that it would not be feasible to serve an enforcement notice once four years has elapsed from the substantial completion of the building. It is therefore important that a decision is made expeditiously as to whether to serve a notice or not, if this development is not to become lawful by default.

2. 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.

2.2 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: Gordon Hogben