

Alleged Unauthorised Development
Borough Green **07/00334/TIPPIN**
Borough Green And
Long Mill

561352 157529

Location: 65 Annetts Hall Borough Green Sevenoaks Kent TN15 8DY

1. Purpose of Report:

1.1 To report a change of use of land from residential garden land to use for storage of rubbish and refuse materials.

2. The Site:

2.1 The site comprises a corner plot on Annetts Hall and until recently was used as part of the side garden to No. 65, a semi detached house. To the North is No. 64, a chalet bungalow.

2.2 The lies within Borough Green which is a rural settlement.

3. Relevant History:

3.1 A letter dated 6th December 2007 was sent to the owner of the plot requesting that rubbish being stored on the site be cleared.

3.2 On 10th December 2007, the owner verbally confirmed that the rubbish would be cleared.

3.3 The rubbish was not removed and a letter dated 3rd January 2008 was sent to the owner of the site requesting that the rubbish be cleared.

3.4 On 30th January 2008, an appeal against the refusal of planning permission for a three bedroom detached house was dismissed.

3.5 The volume of refuse being stored on the site has steadily increased so that almost the entire plot is now covered, and it is clear that a change of use of the land has taken place.

4. Alleged Unauthorised Development:

4.1 The use of the land for the storage of rubbish and refuse materials.

5. Determining Issues:

5.1 Policy CP1 of the Tonbridge and Malling Core Strategy 2007 states that all proposals for new development must result in a high quality sustainable environment, the need for development will be balanced against the need to protect and enhance the natural and built environment, and residential amenity and land

quality will be preserved. The change of use of the land for the storage of rubbish and refuse has resulted in a poor quality environment that does not protect or enhance the surrounding built environs, and has a negative impact on residential amenity and the quality of the land.

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

The change of use of land from residential garden land to use for storage of rubbish and refuse materials.

Reasons for Issuing The Notice

The change of use of the land for the storage of rubbish and refuse has resulted in a poor quality environment that does not protect or enhance the surrounding built environs, and has a negative impact on residential amenity and the quality of the land contrary to policy CP1 of the Tonbridge and Malling Core Strategy 2007.

Requirement

1. Cease the use of the land for the storage of rubbish and refuse materials and;
2. Remove from the land all rubbish and refuse materials.

Period for Compliance

28 days from the date of effect of the notice.

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: Joanna Russell