

Alleged Unauthorised Development

Ightham

08/00659/UNAWKS

559095 156042

Ightham

Location:

Woodford Old Lane Ightham Sevenoaks Kent TN15 9AH

1. Purpose of Report:

- 1.1 To report the unauthorised creation of a brick driveway on site in breach of the approved hard surface details submitted under reference TM/08/03163/RD to accord with condition 4 of planning permission TM/07/01238/FL.

2. The Site:

- 2.1 The site lies outside the settlement confines of Ightham, within the Metropolitan Green Belt and an Area of Special Character. The site is accessed from Old Lane and is steeply sloping up away from the lane.

3. History:

03/00371/UNAWKS Enforcement Notices served 25 November 2003

Alleged unauthorised use for the stationing of a caravan.

TM/03/03028/FL Refuse 13 November 2003

Siting of two twin unit mobile homes and two touring caravans.

TM/03/03567/FL Refuse 22 December 2003

Siting of one twin unit mobile home (20ft x 40ft) Same type as previously applied for under ref TM/03/03028/FL.

TM/04/00536/FL Refuse 27 October 2004
Appeal dismissed 08 July 2005

Change of use of land for the stationing of one residential caravan

TM/07/01238/FL Refused 14.09.07
Appeal allowed 17.07.2008

Change of use for stationing of two caravans for residential use with associated hardstanding, fencing, sheds, septic tank etc for occupation by single gypsy family.

4. Alleged Unauthorised Development:

- 4.1 The creation of brick drive way not in accordance with the approved hard surface details as required by condition 4 of planning permission TM/07/01238/FL and approved by way of TM/08/03163/RD.

5. Determining Issues:

- 5.1 When planning permission TM/07/01238/FL was granted on appeal the permission allowed the use of the site for a three year period for the stationing of two caravans for residential use. The permission required a number of details to be submitted one of which was the nature of the hard surface. These details were submitted by way of TM08/03163/RD and showed the hard surface to be of hardcore with a porous surface.
- 5.2 In December 2008 it became apparent that the owner of the site had created a brick hard surface. This hard surface has been constructed out of a red brick material and would appear to be connected to soakaways. There is no evidence that any water discharges from the surface on to the adjoining lane.
- 5.3 The development that was approved was considered to be the appropriate type of surface considering that the site only has a temporary three year time period for use as a residential caravan site. The current surface gives the site a more permanent appearance as it has been constructed with a material that is usually used on domestic properties. The red brick is an alien feature that can be clearly seen from public vantage points, particularly from Old Lane, and forms an urban feature in this area of open countryside.
- 5.4 For the above reason I believe that is expedient to take enforcement action to seek the removal of the current red brick surface and require the installation of the approved material for the surface.

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 construction of a red brick hard surface which is a development within its own right and being in contravention of the approved hardsurface as required by condition 4 of planning permission TM/07/01234/FL and approved as a hard core with porous surface under planning reference TM/08/03163/RD.

Reasons For Issuing The Notice

It would appear to this Authority that the above breach of planning control has occurred within the last 4 years. The current red brick surface gives the site the appearance of an urban feature within the open country side and as such detracts from the open countryside.

Requirement

1. To remove the redbrick hard surface and associated drainage.
2. To create the hard core and porous surface as approved by TM/08/03163/RD.

Period For Compliance

Both requirements of this Notice should be complied with within one (1) calendar month of the date 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.

Contact: Richard Edmonds