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**Report of 5 August 2009**

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**Alleged Unauthorised Development****East Peckham****08/00612/UNAWKS****567217 147456**East Peckham And  
Golden GreenLocation: The Hop Farm Country Park Maidstone Road Paddock Wood  
Tonbridge Kent TN12 6PY

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**1. Introduction:**

- 1.1 Members will recall that I reported in some detail, in January this year, with regard to a number of breaches of planning control at the Hop Farm. The Committee approved, in principle, a number of enforcement actions, and since that time I have been in active discussion with the owner and his agents, with regard to many of these outstanding matters.
- 1.2 A number of planning and listed building applications have been made and some approvals given and I am pleased that some progress has been made to resolve outstanding matters. However, there have been other changes at the site since February and there remain a number of matters where either an application is still awaited, and anticipated, or the time is not yet right to make a final decision on such applications as have been submitted because certain matters remain to be clarified.
- 1.3 For instance it has been possible to approve a new entrance/office building complex. Agreement has also been reached to remove one stable unit and parts of a concrete apron. Indeed this work has now been carried-out to the benefit of a Listed Building. Further investigations have also allowed consideration in more detail of, for instance, the installation, or partial installation of, lifts within several of the Listed Buildings. These works in the Bells (or an acceptance that where such works have commenced, they may be completed) are appropriate in the interest of disabled access and the appropriate re-use of the Listed Buildings) and these considerations outweigh any consequential impact on the fabric or character of the buildings.
- 1.4 One outstanding application is that for one of the large marquees that has been on site for some time. The application is still subject to consultation with regard to the Flood Risk Assessment.
- 1.5 The owner has also now submitted a further draft Master Plan to provide a context for future applications. This will require formal consideration in due course most likely at the same time as an expected application for a new hotel in lieu of some of the holiday units approved by the Secretary of State at the site. We have recently given a formal view that a new application for the hotel will not require to be subject to formal Environmental Impact Assessment, although of course environmental matters will figure significantly in the assessment of the proposal when submitted.

- 1.6 Although some of the above represents progress towards more appropriate levels of planning control on the site, it has become increasingly clear to me that some issues cannot readily be resolved by the further finessing of the works that have been already carried-out. The owner's agent has indicated that, in view of the current economic situation, limitations on cashflow have influenced the ability to submit a number of applications and as a result we still await some of those anticipated in the earlier report.
- 1.7 These are in my view those matters where the setting of the very important Listed Oast Houses are clearly and adversely affected by works that have been carried-out in close proximity to, or connected to, them. Other things that have occurred in the wider setting also have an adverse impact on the countryside and the Green Belt. This report sets out below the matters that are of particular concern and some of the factors that surround those issues.

## **2. The Site:**

- 2.1 The site comprises the main building complex that includes the five listed oast buildings, the adjoining open land and fields that extend to the north and west, as well as the car parking area to the south. The site is within the Metropolitan Green Belt and the building complex is defined as a tourist site in TMBLP under saved policy P6/25 that anticipates tourist related development on the site in the context of an up to date Master Plan. This policy area is tightly drawn around the main building complex.
- 2.2 The Oast buildings are Grade II\* Listed. The group of five oasts is considered to be an important and unique collection of historic oast buildings. There are a number of other buildings on the site which are not listed. Some further structures on the site are the subject of this report as they have been erected without the necessary approvals.
- 2.3 The site is within the designated Flood Zone 3 area.

## **3. Discussion:**

- 3.1 The features that I consider that adversely affect the setting of the Listed Buildings and the countryside/Green Belt at present are:
- the childrens' climbing frame and its attachment to the Oast Bell
  - the childrens' rides generally
  - the 'driving school' and associated buildings (which was at the time of the last report was still under consideration and has remained as such as we have not been able to agree with the owner as to the status of the hard standing)
  - the hard standing upon which some of the rides and driving school stand

- the lorry bodies sited along the boundary with the highway and used for storage
- the red big top (for which no application has been submitted)
- the display of advertising on the lorry bodies

3.2 This is not an exhaustive list of those matters that have been under investigation since the January report but represent those matters which I believe are the most harmful to the important setting of the site and the buildings on the site and where I am satisfied that it is now right to act. Further investigations continue in respect of other matters on the January list.

3.3 A key factor that must be taken into account is that the fact that it is obvious, whenever the site is inspected, that the features set out in the first 4 bullet points of 3.1 above have become relatively well used facilities, essentially providing recreational/leisure facilities for younger children and would appear to be a valued facility for users, who seem to return to the site to use these facilities. This, in its turn, must provide a valuable income stream for the site and potentially could contribute to funding for the maintenance of the Listed Buildings

3.4 However, this set of circumstances has the capacity for perverse effects – the value historic, cultural and environmental of the site is focussed on a high quality set of distinctive Listed Buildings which, amongst other things need long-term maintenance. However the play/leisure facilities have significantly altered and eroded the setting of these very buildings which are key attractions in their own right, I have concluded, after some consideration, that these facilities, as listed in bullet points 1-4 of paragraph 3.1 severely detract from the quality of the setting for these key listed buildings and that in this context they should not be allowed to remain, notwithstanding that they appear to provide a well used set of facilities. They have also introduced an alien element which has a detrimental effect on the rural setting of the site in overall terms. Similarly the siting of the lorry bodies referred to at bullet point 5 above detracts from the rural area and the openness of the green belt.

#### 4. Recommendation:

4.1 I therefore recommend that:

4.1.1 Enforcement Notices **Be Issued** in respect of the matters listed in 3.1.1 – 3.1.6 above, with the detailed wording determined by the Director of Planning, Transport and Leisure in consultation with the Chief Solicitor (and subject to the Chief Solicitor being satisfied as to the evidence in respect of each breach).

4.1.2 Listed Building Enforcement Notices **Be Issued** in respect of the works referred-to in 3.1.1 with the detailed wording being determined by the Director of Planning, Transport and Leisure in consultation with the Chief Solicitor (and subject to the Chief Solicitor being satisfied as to the evidence in respect of each breach).

4.1.3 In respect of the unauthorised advertisements, see 3.1.8 above, displayed on various lorry bodies around the site I will be instructing the Chief Solicitor to bring prosecutions for breaches of the Advertisement Regulations and the **Committee Is Asked To Note This Action.**

Contact: Lindsay Pearson/Marion Geary/ Richard Edmonds

SUPPLEMENTARY REPORTS

AREA 2 PLANNING COMMITTEE

DATED 5 August 2009

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**East Peckham                      08/00612/UNAWKS**  
**East Peckham And**  
**Golden Green**

**The Hop Farm Country Park Maidstone Road Paddock Wood Tonbridge Kent TN12  
6PY**

DPTL: There is a disparity between the bullet points in paragraph 3.1 and the reference back to this paragraph in paragraph 4.1 of the Recommendation. If the bullet points are numbered 3.1.1 to 3.1.7, the recommendations at paragraphs 4.1.1 and 4.1.2 will correctly correspond. However, paragraph 4.1.3 should refer back to 3.1.7, not 3.1.8.

For the purposes of clarification, with the exception of that relating to the “driving school”, (para 3.1.3), all the current Recommendations are, effectively, a re-affirmation of the resolutions made by Members in January.

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**Report of 21 January 2009**

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**Alleged Unauthorised Development****East Peckham****08/00612/UNAWKS****567217 147456**East Peckham And  
Golden GreenLocation: The Hop Farm Country Park Maidstone Road Paddock Wood  
Tonbridge Kent TN12 6PY

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**1. Purpose of Report:**

- 1.1 To report the unauthorised developments at the Hop Farm site that have taken place recently over the last 12 months. These comprise a number of new structures and buildings, alterations to the listed oast buildings, unauthorised use of land and buildings, various external works and advertisements.
- 1.2 This report is also to identify planning issues that have arisen at the site, some of which have now been resolved, those that are still outstanding and those that will require further investigation or action over the next few months. The applicants and agents have been fully engaged in the discussion of the various planning matters and the breaches and also the unauthorised works to the listed buildings. A number of matters are unresolved some applications are still outstanding and others are yet to be submitted where promised.

**2. The Site:**

- 2.1 The site comprises the main building complex that includes the five listed oast buildings, the adjoining open land and fields that extend to the north and west, as well as the car parking area to the south. Most of the buildings are situated within the confines of the Hop Farm which is sited on Maidstone Road, Paddock Wood. The site is within the Metropolitan Green Belt and the building complex is defined as a tourist site in TMBLP under saved policy P6/25 that anticipates tourist related development on the site in the context of an up to date master Plan. This policy area is tightly drawn around the main building complex.
- 2.2 There are four Grade II\* listed oast buildings and one Grade II listed oast. The group of five oasts is considered to be an important and unique collection of historic oast buildings. There are a number of other buildings on the site which are not listed. Some further structures on the site are the subject of this report as they have been erected without the necessary approvals.
- 2.3 The site is within the designated Flood Zone 3 area.
- 2.4 The site as a whole falls within three District Council Areas, although the building complex and the majority of the events fields is within TMBC boundary. The car park

is however, mainly, within Maidstone and the open land and some ex-farm buildings to the west is sited within Tunbridge Wells District.

### 3. History:

TM/79/10112/FUL Grant with Conditions 19 September 1979

Construction of new vehicular access and closure of existing access in conjunction with realignment of part of the B2015.

TM/82/11025/FUL Grant with Conditions 18 November 1982

Conversion of oast houses to form new farm offices, agricultural museums, craft workshops, refreshment rooms and open recreational uses (including farm walk, picnic area, nature walk and fishing).

TM/85/10541/FUL Grant with Conditions 28 February 1985

Application for continued permanent use of oasthouses as farm offices, agricultural museums, craft workshops and refreshment rooms together with open recreational use for adjoining land, resiting of car and coach parks and associated new access.

TM/89/10900/FUL Grant with Conditions 17 November 1989

Sewage treatment plant

TM/89/10944/FUL Grant with Conditions 10 November 1989

Stable block (revised scheme).

TM/89/11061/FUL Grant with Conditions 16 January 1989

Single storey entrance/administration block (revised scheme).

TM/89/11407/FUL Grant with Conditions 15 February 1989

Stable block with ancillary areas including staff facilities, harness room, farriers and small souvenir shop.

TM/90/11600/LBC Grant with Conditions 13 July 1990

Listed Building Application: Addition of flue and ventilation grills to external walls.

TM/90/11708/ADV Grant with Conditions 15 May 1990

3 No. 'Forthcoming Events' display boards and 2 No replacement entrance signs.

TM/99/01029/FL      Section 73A Approved      10 August 2000

Application under Section 73A for resiting of existing animal farm and erection of buildings.

TM/03/02493/FLEA      Approved by Secretary      30 December 2005  
of State after Call-In  
Inquiry

Construction of 64 no. holiday let units and managers unit with associated walkways and access and parking areas.

TM/06/03756/FL      Undetermined

Variation of condition 4 of planning permission TM/03/02493/FLEA (construction of 64 no. holiday let units and managers unit with associated walkways and access and parking areas) to amend the parking layout.

TM/06/03757/ORM      Undetermined

Minor amendments to siting/orientation, external appearance and layout of holiday units, internal road and access arrangements and parking layout, in respect of planning permission TM/03/02493/FLEA (Construction of 64 no. holiday let units and managers unit with associated walkways and access and parking areas).

TM/07/00861/FL      Approved      8 August 2007

Erection of an activity and climbing course (retrospective).

TM/07/01114/RD      Approved      18 May 2007

Details of materials submitted pursuant to condition 2 of planning permission TM/03/02493/FLEA (Construction of 64 no. holiday let units and managers unit with associated walkways and access and parking areas).

TM/07/01171/RD      Approved      30 May 2007

Details of programme of archaeological work submitted pursuant to condition 27.3 of permission TM/03/02493/FLEA: Construction of 64 no. holiday let units and managers unit with associated walkways and access and parking areas.

TM/07/01563/A10

Article 10 Consultation by Maidstone Borough Council for erection of a new drainage pumping station.



TM/07/02798/FL     Application Withdrawn     24 September 2007

Enlargement of existing building known as 'The War and Peace Show' room.

TM/07/02931/RD     Undetermined

Details of badger survey, ecological mitigation scheme for protection and management of southern ditch pursuant to conditions 10, 11 and 12 of planning permission TM/03/02493/FLEA: Construction of 64 no. holiday let units and managers unit with associated walkways and access and parking areas.

TM/07/02974/LDP     Application Not     31 July 2007  
   Proceeded With

Lawful Development Certificate Proposed: Assembly and leisure: Children's play area

TM/08/02143/EASC     Screening opinion EIA     30 July 2008  
   not required

Request for Screening Opinion under Regulation 5 of the Town And Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 for development of 60 bed hotel and restaurant facility.

TM/08/02202/FL     Approved     7 November 2008

Retrospective application for the erection of extension to existing building to provide entrance to Pizza Parlour.

TM/08/02203/FL     Approved     5 September 2008

Retrospective application for the erection of a timber framed gazebo structure with shingle tile roof, timber trellis panels and a part stone, brick block paved/tarmac structure walkway with red brick retaining wall and planters.

TM/08/02204/LB     Approved     26 November 2008

Listed Building Application: Retrospective application for enclosure of open area under flat roof decking to front of Bell 4.

TM/08/02257/FL     Undetermined

Retrospective application for creation of a miniature driving school including construction of a hard surface track with raised kerb stones, street furniture and timber post fencing and associated one storey pitched roof building with ornamental petrol pumps.

TM/08/02258/FL     Approved     26 November 2008

Retrospective application for erection of pergola to south elevation of Bell 1.

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TM/08/02259/LB	Approved	26 November 2008
Listed Building Application: Retrospective application for erection of pergola to south elevation of Bell 1.		
TM/08/02260/FL	Refused	12 January 2009
Retrospective application for the erection of stables and small animal enclosures sited behind Bell 4.		
TM/08/02277/LB	Refused	12 January 2009
Retrospective application for the erection of stables and small animal enclosures sited behind Bell 4		
TM/08/02546/FL	Refused	12 January 2009
Retrospective application for the erection of a children's climbing frame attached to front elevation of Bell 3 at first floor level and placement of additional planks over existing decking		
TM/08/02547/LB	Refused	12 January 2009
Listed Building Application: Retrospective application for the erection of a children's climbing frame attached to front elevation of Bell 3 at first floor level and placement of additional planks over existing decking		
TM/08/02798/FL	Approved	05 November 2008
Retrospective application: alterations to front elevation of former stable building.		
TM/08/02802/FL	Approved	5 November 2008
Retrospective application for the erection of two toilet cabins for a temporary period of 10 years		
TM/08/03700/LB	Undetermined	
Listed Building Application: Insertion of internal lift in Bell 4.		

#### **4. Alleged Unauthorised Development:**

- 4.1 It will be seen for Section 3. above that since the inception of the tourist related use that emerged in the mid 1980s a significant planning history has emerged. There has been a significant change in development activity at the site since mid 2007 when the current owners took overall control of the site and sought to re-evaluate the economic operation of the facilities. It is fair to say that the nature and appearance of the site overall has deteriorated recently which is of general concern bearing in mind the importance of the site, buildings and their setting. Specifically it has been necessary for planning staff to investigate many instances where a possible breach of planning

control appeared to be occurring. The investigation led to the submission of a number of applications and the 2008 applications listed in section 3 show where these matters have been submitted and determined.

- 4.2 It will be noted that in respect of a number of small works, the unauthorised development has been found to be acceptable and approved retrospectively under delegated powers.
- 4.3 Following the refusal of permission or consent in the remaining cases there are a number of breaches of planning control and also unauthorised works to the listed buildings to be considered.
- 4.4 The unresolved alleged breaches, whether or not subject to a retrospective application, are listed below.

### **Breaches of Planning Control**

- A.** Erection of Blue marquee/tent and adjoining white tent (application promised but not yet received – requires a flood risk assessment)
- B.** Erection of Red big top/tent
- C.** Erection of White marquee/tent
- D.** Creation of hardstanding to the west of the oast buildings
- E.** Enclosure under deck of Bell 3
- F.** Residential use of the upper floor of Bell 7 (the stable building) (this use may be lawful by virtue of the history of the site but no application for a Lawful Development Certificate has been submitted to allow the Council to formally consider this factor).
- G.** Non-compliance with condition (iv) of planning permission TM/91/0085 relating to the use of the caravan site.
- H.** Permanent residential occupation of existing caravans on site
- I.** Erection of Fencing around the site
- J.** Enclosure under deck of Bell 4
- K.** Hardstanding/concrete adjoining Bell 4
- L.** Children's rides
- M.** Stable buildings to the rear of Bell 4
- N.** Climbing frame to the front of Bell 3

- O. Advertisements
- P. Siting of storage containers
- Q. Change of use and works to entrance building
- R. It also appears that **during 2008** the land as a whole was used for more than 28 days within a calendar year for temporary uses (including the 14 days limit which applies to boot fairs/motor racing etc).

#### **Unauthorised works to the Listed Buildings**

- I. Installation of lift and works to Bell 4
- II. Installation of lift and works to Bell 3
- III. Enclosure under deck of Bell 3
- IV. Hardstanding/concrete laid so as to abut Bell 4
- V. Stable buildings to rear of Bell 4
- VI. Climbing frame to the front of Bell 3

#### **5. Determining Issues:**

- 5.1 The history section 3 above identifies those applications that have already been submitted and those that have been determined. A number of minor retrospective applications have already been approved on the site for some agreeable elements of the works that have taken place. These include some of the more minor alterations to the listed buildings that have been referred to English Heritage and GOSE (in accordance with statutory provisions) in light of the historical importance of the listed buildings. On all applications English Heritage and GOSE have raised no comments. (7 applications approved).
- 5.2 Of those applications submitted 4 have been refused which includes two planning and two listed building applications for external works to Bells 3 and 4. The works which include the erection of stable buildings adjoining the listed building and a climbing frame attached to the front of a building were considered to have a detrimental impact on the character and appearance of the listed building and the setting of the listed buildings and consequently have been refused. Enforcement action to remove the unauthorised works is proposed below.
- 5.3 Finally there is one application that has been submitted which we are unable to determine at this stage due to the proposal being sited on top of an unauthorised hardstanding. This is an application for a miniature driving school sited to the west of the oast buildings and the decision on that case can only be logically made after a decision is made with regard to the future of the hardstanding.

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- 5.4 Within the last month a Listed Building Application for a retrospective application for the installation of a lift in Bell 4 has been submitted.
- 5.5 There have been many communications between the applicant/agent and the Borough Council over the last year, both in writing and face to face, which have identified the works that are unauthorised and thus breaches of planning control. This communication has taken place over a period of months and it is fair to say that the owner has challenged some of the Council's assessments as to the need for planning or listed building approval but generally there has been agreement as to the need for approvals to be obtained. To date very few applications have been submitted to retrospectively apply for the works that have been undertaken and further works continue to take place on the site that may require permission and will need to be the subject of further site inspections. We have been warned, for instance, by the owners agent that works are taking place during the winter closure period to rework and extend the entrance/shop facilities and to introduce a new plant nursery etc. There are also a number of applications that the Council expected to receive in the summer that are still awaited including the outstanding applications in relation to the unauthorised works to the listed buildings, clarification over the residential accommodation in Bell 7 (the stable building) and applications for the red and blue marquees. In respect of the large blue marquee/tent to the west of the main buildings the applicant has stated that this should be submitted by early 2009. In the autumn of last year the owner's agent wrote to the Council indicating that poor cash flow conditions would mean that the owner could simply not afford to have prepared and submit all the outstanding applications (together with the necessary application fees) – yet works continue to be carried-out at the site.
- 5.6 The Hop Farm site is clearly a potentially very important site for tourism in the Borough and also for the very important historical complex of the listed buildings and their setting. The importance as a group of five oasts can not be underestimated. The Hop Farm and its historical farming/hop picking background is an important element of the Kentish countryside that needs to be preserved and adequately protected. In the past the Council has encouraged the promotion and use of the site and buildings to properly enhance and recognise their importance but such an approach must remain within and respect the established planning context for the site.
- 5.7 The site lies within the open countryside and the Metropolitan Green Belt. Therefore any development must be both assessed and justified in respect of the relevant MGB planning policies and guidance in PPG2. These policies largely resist inappropriate development and almost without exclusion, from the point of view of the works requiring planning permission constitute such "inappropriate development" and therefore by definition are harmful to the Green Belt. If it is to be found acceptable it must be justified by very special circumstances – because few applications in respect of current or recent developments that have been made by the owner have not made such submissions of very special circumstances.

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- 5.8 General countryside policy also presumes against new development in the countryside and the works on the site do not fall within the normal expectations for such policy and therefore must be justified in their own right on a case by case basis – this has not occurred.
- 5.9 The Master Plan required by Saved Policy P6/25 was adopted in its most up to date iteration at the time of the Inquiry that led to the approval of the holiday units adjoining the built-up part of the site. The works the subject of this report are not dealt with in that Masterplan, which was produced for a previous landowner and the context of the application when it went to Inquiry. We have seen new draft versions of a Masterplan which mention some of the works set out herein – however it is, at best, work in progress and is not close to adoption. So the works mentioned in this report are not in compliance with the adopted Masterplan.
- 5.10 While the site lies within Flood Zone 3 due to the absence of the Flood Risk Assessment, necessary to accompany the promised application for the blue marquee, I am not yet able to assess this aspect in detail.
- 5.11 The bulk of the works requiring planning permission have a visual impact both in themselves and in combination, and have an adverse effect of the Countryside, the openness of the Green Belt and in some cases the setting of Listed Buildings. As found on site at present there are a number of works that I consider to be unacceptable and justify the taking of enforcement action to secure their removal.
- 5.12 The works to Listed Buildings present other problems. The failure to obtain the necessary Listed Building Consent can be subject to a Listed Building Enforcement Notice to require the works to be remedied. However the unauthorised works are also illegal and their execution is an offence for which the Council can prosecute the owner. In my view the key issue here is to get the undesirable works removed and the buildings restored and in light of this I would prefer that the owner direct his resources to remedying these matters rather than diverting monies to defending, in court, any prosecutions that could be brought. Nevertheless this must remain an option that the Council should consider if alternative routes prove fruitless.
- 5.13 In light of all of the above considerations I feel that it is now necessary to proceed towards more formal steps of enforcement to resolve the matters set out in the recommendation where there is a breach of planning or listed building control. I have listed the breaches, the justification for action and any another relevant information.
- 5.14 There are various storage containers around the site together with lorry trailer bodies that are used for both storage and, in the latter cases, the display of advertisements. None of those advertisements have the benefit of express consent. These advertisements are detrimental to the amenity of the rural area and should be removed. The only option for enforcement against unauthorised advertisements is to pursue prosecution in the Magistrates Court.

**6. Recommendation:**

- 6.1 Enforcement Notices **BE ISSUED** in respect of the following matters with the detailed wording being agreed between the Director of Planning, Transportation and Leisure in consultation with the Chief Solicitor (and subject to the Chief Solicitor being satisfied as to the evidence in respect of each breach).

**Breach of Planning Control Alleged and Reason for Issuing Notice.**

- A.** Erection of Blue marquee/tent and adjoining white tent: Inappropriate development in the MGB having an adverse appearance in the countryside. (This action being brought forward if a valid planning application is not submitted by 31.01.2009).
- B.** Erection of Red big top/tent: Inappropriate development within the MGB having an adverse appearance in the countryside.
- C.** Erection of White marquee/tent: Inappropriate development within the MGB having an adverse appearance in the countryside.
- D.** Creation of hardstanding to the west of the oast buildings: Impact on setting of Listed Buildings and surface water drainage. Inappropriate development in the MGB having an adverse appearance in the countryside.
- E.** Enclosure under deck of Bell 3: Detrimental impact on the special architectural and historic interest of the Listed Building.
- F.** Non-compliance with condition (iv) of planning permission TM/91/0085 relating to the use of the caravan site: Planning permission is required.
- G.** Permanent residential occupation of existing caravans on site: Inappropriate development within the MGB.
- H.** Erection of Fencing around the site: Visual impact and to be assessed on a location by location basis. Inappropriate development in the MGB having an adverse appearance in the countryside.
- I.** Enclosure under deck of Bell 4: Planning Permission required. Detrimental impact on special architectural, historic interest and setting of Listed Buildings.
- J.** Hardstanding/concrete adjoining Bell 4: Detrimental impact on the special architectural, historic interest and setting of Listed Buildings.
- K.** Children's rides: Planning permission is required. Detrimental impact on setting of Listed Buildings.
- L.** Stable buildings to the rear of Bell 4: Detrimental impact on special architectural, historic interest and setting of Listed Buildings.

**M.** Climbing frame to the front of Bell 3: Detrimental impact on special architectural, historic interest and setting of Listed Buildings.

**N.** Siting of storage containers including lorry bodies: Inappropriate development within the MGB having an adverse appearance in the countryside.

6.2 Listed Building Enforcement Notices **BE ISSUED** in respect of the following matters with the detailed wording being agreed between the Director of Planning, Transportation and Leisure in consultation with the Chief Solicitor (and subject to the Chief Solicitor being satisfied as to the evidence in respect of each breach).

**Breach of Planning Control Alleged and Reason for Issuing Notice.**

**A.** Installation of lift and works to Bell 4: Detrimental impact on special architectural, historic interest of the Listed Building.

**B.** Installation of lift and works to Bell 3: Detrimental impact on special architectural, historic interest of the Listed Building.

**C.** Enclosure under deck of Bell 3: Detrimental impact on special architectural, historic interest and setting of the Listed Building.

**D.** Hardstanding/concrete adjoining Bell 4: Detrimental impact on special architectural, historic interest and setting of the Listed Building.

**E.** Stable buildings to rear of Bell 4: Detrimental impact on special architectural, historic interest and setting of the Listed Building.

**F.** Climbing frame to the front of Bell 3: Detrimental impact on special architectural, historic interest of the Listed Building.

6.3 Prosecutions **BE TAKEN** by the Chief Solicitor against the unauthorised advertisements displayed on various lorry bodies around the site.

Contact: Lucinda Green/ Richard Edmonds



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**SUPPLEMENTARY REPORTS****AREA 2 PLANNING COMMITTEE****DATED 21 January 2009**

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**Alleged Unauthorised Development****East Peckham                    08/00612/UNAWKS  
East Peckham And Golden Green****The Hop Farm Country Park Maidstone Road Paddock Wood Tonbridge Kent TN12  
6PY**

Following the publication of the Agenda and reports we received a letter for the owners agents expressing concern that the report failed to reflect the progress in making application and allied applications at the site, questioning some of the conclusions reached in the report and querying assumptions about the history of the site and some of the legal interpretations made therein.

In order to understand more clearly the owner's position, the Director and the Chief Planner met with him and his agent on Monday of this week. I am happy to acknowledge that there have been a number of applications (around 14) that have been made to the Council (about 2 a month) since the current owner took sole possession of the site and I recognise that some of the matters referred to in the report may have occurred under previous ownership. It was clear from the meeting that there are still areas of disagreement as to historical facts and legal interpretation that would affect whether the recommended actions in para. 6.2 are appropriate. I have invited the agent to provide such further details as he has to illuminate these matters. It has also been agreed that the Director and the Chief Planner will make a comprehensive visit to the site to reach a final conclusion on the merits of action in each of the matter cited. As Members will appreciate any action can take place only with the agreement of the Chief Solicitor that adequate evidence is available to confirm that the alleged breach has taken place.

**NO CHANGE TO RECOMMENDATION**