

Alleged Unauthorised Development

Platt

10/001111/UNAWKS

562376 156159

Borough Green And
Long Mill

Location: Napps Farm Long Mill Lane Platt Sevenoaks Kent TN15 8QG

1. Purpose of Report:

1.1 Members will recall from the meeting of 31 March 2010 that planning permission was refused for the building which is the subject of this report. For assistance a copy of the report and the supplementary report to that previous meeting and also the earlier meeting on 24 February are both attached as an annex.

1.2 The application was refused for the reason:

“ The building is inappropriate development in the Green Belt and is harmful by reason of its inappropriateness and because of its detrimental impact upon the openness and visual amenities of the rural locality by reason of its height and bulk and because of its domination over the host dwelling. The building is also materially larger, in terms of footprint and volume, than the building that it replaced on this site. It is therefore contrary to PPG2 (Green Belts) and Policies CP1, CP3, CP14 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy DC1 of the Managing Development and the Environment DPD. The Local Planning Authority is of the view that there are no adequate “very special circumstances” to justify this inappropriate development.”

1.3 The application was retrospective and having refused planning permission Members considered that it would be appropriate to take enforcement action against the unauthorised development and a report was requested to see how this might be achieved. Consideration must therefore now be given to the most appropriate way to proceed and the grounds for enforcement action. In so doing the Committee will need to have regard to the extent of works required under an enforcement notice bearing in mind all the considerations including those concerning the relevance and extent of permitted development rights that exist in respect of such buildings.

2. The Site:

2.1 The site is located outside the settlement confines of Platt, within the Metropolitan Green Belt and open countryside. The site lies on the east side of Long Mill Lane.

3. History:

3.1 This was set out in the previous report but now of course includes the refusal of the application for retrospective planning permission TM/09/00136/FL.

4. Unauthorised Development:

4.1 The unauthorised development comprises the erection of a building within the curtilage of the residential property at Napps Farm without the benefit of planning permission.

5. Determining Issues:

- 5.1 The previous report to the Committee sets out the background to the planning considerations in this case. In particular set out in some detail, in paragraphs 2.4 – 2.11 of my last report, were the contextual considerations in terms of the existing building. I would ask Members to familiarise themselves with those matters.
- 5.2 Since the last Committee Report I have received further representations from a local resident to the effect that the permitted development “fallback” considerations mentioned in those paragraphs do not apply in this case. It is suggested that: the building is not a “curtilage building” because of the intervening wall; the building is not a single storey building; that there is, in any event, a “raised platform” within the building; it does not have a purpose “incidental to the enjoyment of the dwellinghouse”; and that in any event the permitted development height tolerance is not 4m but 2.5 metres because the building is closer than 2m to the boundary of the curtilage of the residential building.
- 5.3 Most of these issues were addressed in my last report. I would add for completeness that for the purpose of the interpretation of the General Permitted Development Order the building is single storey, notwithstanding that there is a platform in the roof space. Members will have seen the detail of this during the recent Members’ site inspection. I would also confirm that the building is more than 2m from any boundary of the curtilage of the residential building, although I appreciate that the extent of the curtilage is interpreted in a different way by the local resident who has written on the subject.
- 5.4 In any event I do not think that these matters influence what now needs to be considered in respect of possible enforcement following the refusal of planning permission. Whatever the fallback situation might be, the position is that the building considered as a whole is unauthorised and it would be impractical to approach this case in a partial fashion.
- 5.5 In refusing planning permission the Committee concluded that the building was found to be inappropriate development in the green belt and it has a detrimental impact upon the openness and visual amenities of the rural locality by reasons of its height and bulk and its domination over the host dwelling.
- 5.6 In light of the decision on the retrospective application I believe that it is expedient to take enforcement action to seek the removal of the unauthorised 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

The erection of a building within the curtilage of the property known as Napps Farm without the benefit of planning permission.

Reasons For Issuing The Notice

The above breach of planning control has occurred within the last four years.

The building is inappropriate development in the Green Belt and is harmful by reason of its inappropriateness and because of its detrimental impact upon the openness and visual amenities of the rural locality by reason of its height and bulk and because of its domination over the host dwelling. The building is also materially larger, in terms of footprint and volume, than the building that it replaced on this site. It is therefore contrary to PPG2 (Green Belts) and Policies CP1, CP3, CP14 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy DC1 of the Managing Development and the Environment DPD. The Local Planning Authority is of the view that there are no adequate "very special circumstances" to justify this inappropriate development.

Requirement

The building shown hatched on plan TMBC1 shall be demolished and all arisings shall be removed from the site.

Period For Compliance

Six calendar months from the date the Notices takes effect.

Contact: Richard Edmonds