

Alleged Unauthorised Development

Plaxtol
Borough Green And
Long Mill

10/00223/UNAUTU

560437 154630

Location: The Glade Yopps Green Plaxtol Sevenoaks Kent TN15 0PY

1. Purpose of Report:

- 1.1 To report an alleged breach of planning control consisting of an unauthorised material change of use of former piggery buildings to a light industrial workshop for the manufacture of casino and gaming products.

2. The Site:

- 2.1 This isolated site comprising a new dwelling, garage and existing farm buildings lies in open countryside to the north east of Yopps Green and north of Plaxtol. The site is within the Metropolitan Green Belt and an Area of Outstanding Natural Beauty and is accessed from Tree Lane, Yopps Green by a long narrow unmade track that is also a public right of way (footpath - MR313) and called Hare Lane. The site is not currently being used in connection with an ongoing agricultural business operation.

3. History:

- 3.1 TM/08/1448/FL Approved 01.05.2008
Two bay oak framed garage (resubmission of TM/08/00711/FL).
- 3.2 TM/08/0071/FL Withdrawn 25.04.2008
Two bay oak framed garage.
- 3.3 TM/05/04131/FL Application Not Proceeded With 14.08.2006
Extension of residential curtilage, creation of paddock and erection of replacement garage.
- 3.4 TM/05/00752/FL Refused 07.09.2005
Erection of an agricultural barn
- 3.5 TM/05/00561/FL Granted with conditions 05.05.2005
Replacement of fire damaged bungalow (resubmission of planning permission TM/04/00803/FL) incorporating a revised design.
- 3.6 TM/04/03271/RD Granted with conditions 23.12.2004
Details of residential curtilage and landscaping and boundary treatment pursuant to conditions 4 and 5 of planning permission TM/04/00803/FL (construction of replacement fire damaged bungalow)

- 3.7 TM/04/00803/FL Granted with condition 23.04.2004
Construction of replacement fire damaged bungalow
- 3.8 61/10655/OLD Refused 15.03.1961
Outline application for house and garage
- 3.9 65/10716/OLD Refused 25.01.1965
Outline application for bungalow, greenhouse and storage shed

4. Alleged Unauthorised Development:

- 4.1 A single storey block built building last used as a piggery and approximately 40 metres to the west of the new house has been converted to a workshop for the development and manufacture of casino and gaming products (a use falling within Class B1 of the Town and Country Planning (Use Classes) Order 1987 (as amended)) by the occupier, who is trading under the name Spintek Casino Supplies Ltd. Without the necessary planning permission this use is unauthorised and in breach of planning control.
- 4.2 It is not known what works have taken place to convert the building, but these do appear to have been minimal with no significant alteration to the external appearance.

5. Determining Issues:

- 5.1 The occupier was invited, on a without prejudice basis, to submit a planning application to enable a full assessment of the use to be made. However no application has been submitted and no information is available to demonstrate any local justification for the continuation of the use.
- 5.2 Policy CP1 of the TMBCS states that proposals should result in a high quality and sustainable environment. Policy CP24 requires that all development should respect the site and its surroundings, and says that development will not be permitted if it would be detrimental to the built environment, amenity or functioning and character of a settlement or the countryside. Policy DC1 of the Managing Development and the Environment DPD deals specifically with the re-use of rural buildings. Re-use of permanent buildings of sound construction is, in principle, permissible, subject to a number of criteria being met. These include that the proposed use is acceptable in terms of residential and rural amenity, and highway impacts.
- 5.3 The site lies within the Green Belt, where PPG2 allows for the re-use of existing buildings provided that the proposed use does not have a materially greater impact than the previous use on the openness of the Green Belt and the purposes of including land in it.

- 5.4 PPS4 supports small scale economic development where it provides the most sustainable option in villages or other locations that are remote from local service centres even though it may not be readily accessible by public transport. However PPS4 goes on to state that local planning authorities should approve planning applications where the benefits outweigh the harm in terms of the potential impact on the countryside, landscape and on the local economic impacts.
- 5.5 This site is not easily accessible by public transport and is remote from a Rural Service Centre and is therefore in an unsustainable and unsuitable location. The use will lead to increased vehicle movements on Hare Lane, a lengthy, narrow, unmade track, in conflict with pedestrian users of the public right of way. Such vehicle movements will erode and detract from the character of the countryside. No information has been submitted to demonstrate that there is any local justification for the continuation of this use, which is therefore contrary to PPS4.
- 5.6 For similar reasons, the use is in conflict with the aims of policies CP1, CP24 and DC1 quoted above.
- 5.7 It is therefore appropriate to take enforcement action to stop the unauthorised development.

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 Legal Services Partnership Manager, 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 unauthorised change of use of a building from an agricultural use to a workshop within Class B1 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reasons For Issuing The Notice

It appears to the Council that this breach of planning control has occurred within the last 10 years. The continued use of the building as a workshop for commercial purposes unrelated to any agricultural activity on the land will, by reason of its remote location and access arrangements, result in an unsustainable and unsuitable form of

development and will detract from the character of the countryside and landscape. The unauthorised use involves increased vehicular comings and goings over a lengthy, narrow, un-surfaced track known as Hare Lane that is also a public right of way without pedestrian footways or verges to the detriment of users of the footpath. The occupier has not demonstrated any local need or justification for the continued use. In the opinion of the local planning authority, any benefits arising from the continuation of this unauthorised use do not outweigh the harm caused; this harm is manifested by harm to the countryside in general and through the unsustainable and unsuitable location. The unauthorised use is therefore contrary to PPS4 (Planning for Sustainable Economic Growth), Policies CP1 and CP24 of the Tonbridge and Malling Core Strategy 2008 and Policy DC1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010. The Enforcement Notice is necessary to alleviate the nuisance and detriment to amenity resulting from the unauthorised development. The local planning authority does not consider that planning permission should be granted because planning conditions could not overcome these objections.

Requirement

To permanently stop using the building as a workshop within Class B1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) for commercial uses unrelated to the agricultural use of the land and permanently remove all equipment and paraphernalia associated with the commercial use from the site.

Period For Compliance

One calendar month from the date that the notice take effect.

Contact: Gordon Hogben