

## **Alleged Unauthorised Development**

**Trottscliffe  
Downs**

**10/00184/UNAUTU**

**564399 159771**

Location: Trosley Farm Addington Lane Trottscliffe West Malling Kent

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### **1. Purpose of Report:**

- 1.1 To report the unauthorised erection of decking on land used for the keeping or grazing of horses.

### **2. The Site:**

- 2.1 The site is a large agricultural field to the south side of Addington Lane.

### **3. History:**

- 3.1 No relevant planning history.

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

- 4.1 Without planning permission the construction of decking.

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

- 5.1 The Authority received information that a caravan had been placed on the site. On investigation it was clear that the caravan at that time and at the current time was not occupied but used by the landowner as when he is on site to look after his horses. The caravan is used as a shelter and for the making of refreshments and as such can be described as a chattel not requiring the benefit of planning permission from this Authority, as it involves neither a change of use nor operational development.
- 5.2 However, it was clear when the site was inspected that a decking area had been created adjacent to but not attached to the caravan. The erection of this decking is operational development that requires planning permission from the local planning authority. It was made clear to the owner that this development would require the benefit of planning permission and he was invited to make a planning application. Despite a number of reminders no such application has been submitted.
- 5.3 The site falls within an ANOB and the MGB. The importance of the Green Belt is to prevent the expansion of settlements and to prevent development in the countryside that would affect its openness. The development is not necessary for the purposes of agriculture or forestry nor is it required for employment use. It does not fall into any of the categories identified in PPG2: Green Belts as being of a type that might be acceptable in the Green Belt. It is therefore inappropriate development in the MGB which is, by definition, harmful because of that inappropriateness and any other harm that it gives rise to. There would need to be very special circumstances to override

the Green Belt policy which, in this case, do not exist. For these reasons the decking is contrary to PPG2 and policy CP3 of the Tonbridge and Malling Borough core Strategy (TMBCS). Because this is development that is intrusive in the countryside, it is also contrary to PPG7: Sustainable Development in Rural Areas. Moreover, it does not fall within any of the categories of development identified in policy CP14 of TMBCS as being potentially allowable in the countryside, and is thus also contrary to that policy.

- 5.4 Within AsONB, priority is given to the conservation and enhancement of the natural beauty of the area. The development is detrimental to the natural beauty and quiet enjoyment of the area by way of its design and appearance and is therefore contrary to policy CP7 of TMBCS.
- 5.5 The development does not respect the site and its surroundings and is detrimental to the character of the countryside and for this reason it is contrary to policy CP24 of TMBCS.
- 5.6 For the above reason I believe that it is expedient to take enforcement action to seek the removal of this 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 construction of a decking area.

## 6.2 Reasons For Issuing The Notice

It would appear to this Authority that the above breach of planning control has occurred within the last four years. The development is inappropriate development within the Green Belt which is, by definition, harmful by reason of that inappropriateness and the harm that is caused to the character and appearance of the countryside. It is an alien and intrusive feature in the countryside because of its siting and design. The development is therefore contrary to PPG2, PPS7, and policies CP3, CP14 and CP24 of the Tonbridge and Malling Borough Core Strategy. For similar reasons it is detrimental to the natural beauty of the Area of Outstanding

Natural Beauty and thus contrary to policy CP7 of the Core Strategy. The Enforcement Notice is necessary to alleviate the detriment to amenity resulting from the unauthorised development. The Council does not consider that that planning permission should be granted because planning conditions could not overcome these objections.

**Requirement**

To remove the decking area and all arisings from the land.

**Period For Compliance**

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

Contact: Richard Edmonds