

Alleged Unauthorised Development

Trottscliffe

11/00008/UNAUTU

563874 160286

Downs

Location:

The Nursery Taylors Lane Trottscliffe West Malling Kent

1. Purpose of Report:

- 1.1 The alleged unauthorised breach of planning control being the unauthorised use of the land for the storage of a caravan.

2. The Site:

- 2.1 The site is located on the west side of Taylors Lane in Trottscliffe. The land parcel is large and partially vegetated and accommodates two existing timber sheds and remnants of two glasshouses. A gated entrance lies just north of the centre of the site on Taylors Lane.
- 2.2 The site is located within the Green Belt, an Area of Outstanding Natural Beauty (AONB) and a Water Gathering Area.
- 2.3 The area across the street is within the village confines of Trottscliffe and includes semi-detached houses to the north and detached houses on irregular plots to the east and south east. Farmland surrounds the site to the sides and rear.

3. History:

TM/60/10853/OLD Refuse 26 February 1960

Outline Application for one dwelling.

TM/72/10972/OLD Refuse 24 May 1972

Outline application for detached house for M. Gatt, Esq.

TM/00/01249/OA Refuse 3 August 2000

Outline Application: Demolition of existing timber buildings and glasshouse, upgrading of existing parking area and erection of one detached dwelling with attached garage

TM/04/03795/FL Refuse 1 August 2005

One wooden telegraph pole and overhead wires

TM/09/02849/FL Application Withdrawn 4 January 2010

TM/10/00473/FL Approved 15 June 2010
A replacement agricultural building comprising a workshop and office facilities;
replacement of glasshouse with 2 polytunnels; and revised parking and access

4. Alleged Unauthorised Development:

4.1 The unauthorised use of the land for the storage of a caravan.

5. Determining Issues:

5.1 On 6 January 2010 the owner of the property had delivered to the site a single unit caravan. At the time that this report was drafted the caravan is not occupied and it is only being stored on the land. The owner has claimed that he needs the caravan on site as when the use of the site as a plant nursery is started there will be a need for the site to have a 24hr security presence, the owner has said that an application will be forthcoming for this use but again at the time this report was prepared no such application had been received. The use of the site as a plant nursery has not commenced at this time.

5.2 The site is adjacent to the village confines of Trottiscliffe and the Trottiscliffe Conservation Area. It is located in the countryside, and is within the Green Belt and an Area of Outstanding Natural Beauty.

5.3 The use of the land for the storage of a caravan will need to be assessed against Government guidance notes PPG2 (Green Belts) and PPS7 (Development in Rural Areas), as well as relevant provisions of the TMBCS and MDEDPD.

5.4 PPG 2 seeks to restrict development within the Green Belt, where there is a presumption against inappropriate development, which is, by definition, harmful to the Green Belt. Such development should not be approved, except in very special circumstances (Para 3.1 and 3.2). The fact that the caravan is to be stored on site in anticipation of a latter planning application which may or may not be successful does not represent special circumstances for it to be retained on site and it is an alien and intrusive feature in the countryside because of its siting and design and is harmful to the Green Belt

5.5 CP14 of TMBCS relating to development in the countryside allows development that is necessary for the purposes of agriculture or forestry, for the reason stated above this is not applicable to this development.

5.6 CP24 of the TMBCP and SQ1 of the MDEDPD both require all new development to respect its setting and protect and enhance the character and local distinctiveness of the area. The caravan neither respects its siting nor protects or enhances the character of the local distinctiveness the area and so is contrary to the policies.

- 5.7 In relation to the AONB, CP7 of the TMBCS states that development will not be permitted which would be detrimental to the natural beauty of the AONBs. Again the storage of the caravan does nothing to enhance the natural beauty of the area being a man made feature and is contrary to the both policy CP7 of TMBCS
- 5.8 In light of the above I believe that it is expedient to take enforcement action to seek the cessation of the unauthorised use of the site for the storage of a caravan.

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 use of the site for the storage of a caravan.

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 10 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 position and design. The development is therefore contrary to PPG2, PPS7, and policies, 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 permanently cease the use of the site for the storage of caravans

Period For Compliance

1 Month from the date the Notice takes effect.

Contact: Richard Edmonds