

Alleged Unauthorised Development

East Peckham

10/00166/COND

565428 147694

East Peckham And
Golden Green

Location: The Granary Stilstead Farm Tonbridge Road East Peckham
Tonbridge Kent TN12 5LQ

1. Purpose of Report:

- 1.1 To report an alleged breach of planning control consisting of, without planning permission, the replacement of brown timber windows and doors with white UPVC windows and doors in contravention of condition 10 of planning permission TM/93/0882FL.

2. The Site:

- 2.1 The premises are part of a group of converted farm buildings, each with their own individual character. The Granary is a simple two storey building, originally with simple timber joinery painted dark or stained brown and traditional materials to maintain the original style.
- 2.2 Stilstead Farm is situated at the end of a long drive on the south side of Tonbridge Road and consists of a group of converted farm and equestrian buildings. The site is within the Metropolitan Green Belt and the open countryside.

3. History:

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|-----|----------------|---|------------|
| 3.1 | TM/10/02026/FL | Application invalid on receipt | 26.07.2010 |
| | | Replacement of existing wooden windows | |
| 3.2 | TM/10/00860/FL | Refused and Appeal Dismissed | 27.05.2010 |
| | | Erection of a conservatory | |
| 3.3 | TM/04/02535/FL | Amendment Approved | 09.12.2004 |
| | | Amendment to layout of stable block | |
| 3.4 | TM/03/02377/RD | Granted | 07.10.2003 |
| | | Details of storage and disposal manure/stable waste and lighting pursuant to conditions 4 and 3 of planning permission re: TM/02/00699/FL (creation of equestrian yard incorporating 10 loose boxes and wc/wash room block) | |
| 3.5 | TM/03/01618/FL | Granted with conditions | 08.10.2003 |
| | | Details of landscaping and illumination submitted pursuant to conditions 2 and 3 of consent ref: TM/03/00698/FL (all weather surface servicing livery yard) | |

- 3.6 TM/03/00698/FL Granted with conditions 28.05.2003
All-weather surface servicing livery yard
- 3.7 TM/02/00699/FL Granted with conditions 31.01.2003
Creation of equestrian yard incorporating 10 loose boxes and wc/washroom block
- 3.8 TM/00/01067/FL Granted with conditions 25.07.2000
Installation of six solar collectors to rear roof slope
- 3.9 TM/98/02144/FL Granted with conditions 27.05.1999
Construction of garage/store
- 3.10 TM/93/00445/FL (TM/93/0882FL) Granted with Conditions 05.11/1993
Conversion of existing granary to house with access (revised application to TM/91/0921)
- 3.11 TM/91/10905/FUL (TM/91/0921FL) Grant with conditions 30.09.1919
Conversion of granary to single dwelling with parking and access

4. Alleged Unauthorised Development:

- 4.1 Without planning permission, the replacement of brown timber windows and doors with white UPVC windows and doors in contravention of condition 10 of planning permission TM/93/0882FL.
- 4.2 Planning permission TM/93/00445/FL (TM/93/0882FL) granted planning permission for the conversion of an existing granary to a house. Notes on the approved drawings state that stained timber windows and boarded doors were to be installed. Condition 3 of this permission required that the work should be finished in conformity with that shown on the plans.
- 4.3 Condition 10 of planning permission TM/93/0882FL removed permitted development rights within Classes A, B, C, D, E, F, G and H of Part 1 of Schedule 2 of the Town and Country Planning General Development Order 1988 or any order amending, revoking and re-enacting that Order. This means that a planning application is required for any development that involves the enlargement, improvement or other alteration of the dwellinghouse; the enlargement of the dwellinghouse consisting of an addition or alteration to its roof; any other alteration to the roof of the dwellinghouse; the erection or construction of a porch outside any external door of the dwellinghouse; the provision, maintenance, alteration or improvement of any building or enclosure within the curtilage of the dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such; the provision of a hard surface; the provision of a container for the storage of oil for domestic heating and the installation alteration or replacement of a satellite antenna on the dwellinghouse or within its curtilage.

- 4.4 Condition 10 was imposed to enable the District Planning Authority to control any future development of the land in the interests of the character, amenity and appearance of the former agricultural buildings.
- 4.5 The installation of the white UPVC windows and doors in replacement of the approved stained timber windows and doors therefore requires planning permission from this Council in its role as the Local Planning Authority. A retrospective planning application (TM/10/02026/FL) was submitted on 26 July 2010, but was invalid on receipt and all the necessary information required to enable the application to be considered has still not been submitted. Without the necessary planning permission the installation of the replacement windows is in breach of planning control.

5. Determining Issues:

- 5.1 The site is within the Metropolitan Green Belt and surrounded open countryside. The installation of white UPVC replacement doors and windows has had a material effect upon the external appearance of the building and is therefore “development” within the meaning of the Planning Acts. This development is not in keeping with the traditional materials and simple form, design and character of this converted farm building. The failure to submit a valid planning application before the works were carried out meant that the Local Planning Authority was unable to advise on the suitability of the proposed materials or to control the development in the interest of the character, amenity and appearance of the former agricultural buildings as condition 10 intended.
- 5.2 The replacement windows and doors installed without planning permission are not in keeping with the character, appearance or materials of the existing converted agricultural building and are therefore contrary to saved Policy P4/12 of the Local Plan; Policy CP24 of the Tonbridge and Malling Borough Core Strategy and Policy SQ1 of Managing Development and the Environment Development Plan Document. All these policies require alterations to residential properties to respect the character and form of the original building and the locality whilst maintaining a high quality in terms of detailing and the use of appropriate materials.
- 5.3 In dismissing the appeal of the conservatory (TM/10/00860) the Inspector indicated that he agreed with the Council that the use of UPVC was not in keeping with the traditional materials or character of the existing building. Such considerations apply equally, in my view, to these windows. The alterations carried out have failed to maintain the quality of the existing building in terms of the detailing and materials used and do not maintain the character, amenity or appearance of the building or of the locality. It is therefore appropriate to take enforcement action to remedy this detriment to the character and amenity of the building and locality.

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.

6.2 Breach Of Planning Control Alleged

Without planning permission, the replacement of brown timber windows and doors with white UPVC windows and doors in contravention of condition 10 of planning permission TM/93/0882FL.

Reasons For Issuing The Notice

It appears to the Council that the breach of planning control has occurred within the last 10 years. The unauthorised works were completed in May 2010. The installation of the UPVC windows and doors, by virtue of their design, appearance and materials, is not in keeping with the character or materials of the existing building or the locality and is contrary to Policy P4/12 of Tonbridge and Malling Borough Council Local Plan 1998, Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and Policy SQ1 of the Tonbridge and Malling Borough, Managing Development and the Environment Development Plan Document 2010. The Enforcement Notice is necessary to alleviate the nuisance and detriment to the character, amenity and appearance of the building and the locality 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

Remove the unauthorised white UPVC double glazed replacement windows and doors and replace with brown painted or stained timber windows with small panes and glazing bars and boarded doors to match the design and appearance of the windows and doors specified on the drawings approved by planning permission TM/93/0882FL (TM/93/00445/FL).

Period For Compliance

Six months from the date that the enforcement notice takes effect

Contact: Gordon Hogben