

Alleged Unauthorised Development

East Peckham

11/00215/UNAWKS

565382 147705

East Peckham And
Golden Green

Location: Oakley House Stilstead Farm Tonbridge Road East Peckham
Tonbridge Kent TN12 5LQ

1. Purpose of Report:

- 1.1 To report the conversion and alteration of an agricultural building to offices and storage otherwise than in accordance with planning permission TM/05/00496/FL.

2. The Site:

- 2.1 The site lies within the Stilstead Farm complex on the south side of Tonbridge Road in Little Mill, East Peckham. The building is accessed along a private trackway and lies on the western edge of the farm complex.
- 2.2 The site lies within open countryside which is designated as Metropolitan Green Belt (MGB). The site also lies within Flood Zone 2. The site is relatively level.

3. History:

TM/54/10357/OLD Grant with Conditions 16 December 1954

Building for Hop Picking Machine.

TM/67/10695/OLD Grant with Conditions 4 April 1967

Particulars of Overhead Lines. East Peckham

TM/89/11045/FUL Grant with Conditions 30 October 1989

Conversion of redundant farm buildings to 6 units for residential accommodation with garages, parking and access.

TM/94/00498/FL Grant with Conditions 5 April 1995

For the use of a barn (part) for the servicing of light motor vehicles, consisting (private motor vehicles) mini buses (local special needs school contract) and agricultural vehicles associated with the farm

TM/03/00210/FL Application Withdrawn 1 October 2003

Replace commercial use building with traditional Kentish barn style building, providing two dwellings

TM/04/01944/FL Refuse 28 July 2004

Conversion/alteration of existing building to offices and storage accommodation and associated parking

TM/05/00496/FL Grant With Conditions 8 June 2005

Conversion/alteration of existing building to offices and storage accommodation and associated parking (resubmission of planning ref. TM/04/01944/FL)

TM/07/01669/RD Pending Consideration

Details of external works and landscaping pursuant to condition 3 of planning permission TM/05/00496/FL: Conversion/alteration of existing building to offices and storage accommodation and associated parking

4. Alleged Unauthorised Development:

- 4.1 The carrying out of building operations to convert an agricultural building to an office building and storage otherwise than in accordance with the approved plans of planning permission TM/05/00496/FL.

5. Determining Issues:

- 5.1 In 2005, planning permission was granted for the conversion of an existing agricultural building to offices and storage accommodation and associated parking. Development has taken place but it is clear that it is not in accordance with the plans approved by that planning permission.
- 5.2 The building was originally approved to have an undercroft centrally within the building to allow for cars to access the reserved parking area. The building was constructed without this undercroft and land outside of the application boundary was taken over to allow for vehicular access to the side of the building. The storage element of the original building has been removed and allocated to office space, along with the area previously serving the undercroft. This has resulted in more usable office space being created than was proposed and previously approved. The additional land needed to provide vehicular access lies on land outside the original application site and the applicant's ownership and control. It is not clear that the landowner has consented to this use of the land.
- 5.3 The elevations of the building are also not as the 2005 approval in that more openings have been formed at ground floor and the external shutter doors have not been added to the façade. At first floor the windows are larger and no longer sit under the eaves as previously approved. The roof lights which were previously approved have been omitted.

- 5.4 The applicant has been asked to provide an agreement with the owner of the land which is now being used as an access drive, to provide a legal guarantee in perpetuity that the reserved car parking can be reached (now that the undercroft has been removed from the scheme). No such agreement has been reached between the parties.
- 5.5 From other Council records it appears that the building was substantially completed in August 2007. If no permission is granted or enforcement action taken within 4 years of this date (i.e. August 2011) the building as constructed will become immune from enforcement action.
- 5.6 The detailed design of the proposal was key to gaining a favourable decision in 2005. The building as constructed does not uphold the rural character of the converted building. For this reason I consider that the scheme does not comply with the aims of policy DC1 of the MDEDPD, CP14 of TMBCS and SQ8 MDE DPD (which now supersede the policies in place in 2005 and are the policies against which the judgement to enforce, or not, must now be made).
- 5.7 For the above reasons I believe that it is expedient to seek authorisation to serve an enforcement notice requiring the development to be constructed in accordance with the approved plans of planning permission TM/05/00496/FL. This action is necessary to ensure that the development does not become immune by default. However, it may be possible to accept revised details from the developer provided these also ensure a rural character for the final building design, so I would recommend that, although the Notice should be authorised to be served immediately, the date on which it takes effect and the period to comply could be longer than normal to allow time for further discussion with the site owner. At the time of writing this report it is not possible to say precisely how long would be reasonable for these discussions and so I further recommend that the decision as to when the notice takes effect and the period for compliance be delegated to the Director of Planning, Transport and Leisure in consultation with the Chief Solicitor.

6. Recommendation:

- An Enforcement Notice **be issued** as set out below and copies **be served** on all interested parties.

6.2 Breach Of Planning Control Alleged

The carrying out of building operations to convert an agricultural building to an office building and storage otherwise than in accordance with the approved plans of TM/05/00496/FL.

Reasons For Issuing The Notice

It would appear to the Authority that the above breach of planning control has occurred within the last four years. The development as constructed does not uphold the rural character of the area and is therefore contrary to policy DC1 of the MDE

DPD and CP14 of Core Strategy. The development has been constructed without the necessary parking area and is therefore contrary to Policy SQ8 of the MDE DPD.

Requirement

To carry out the development in accordance with the approved plans of TM/05/00496/FL.

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.

AND it is further recommended that the Director of Planning, Transport and Leisure in consultation with the Chief Solicitor determine the date on which the Notice will take effect (being not less than 28 days from the date of service) and the period for compliance with the Notice.

Contact: Richard Edmonds