
East Peckham
East Peckham And
Golden Green

Alleged Unauthorised Development

(A) 08/00616/UNAWKS
(B) 08/00653/UNAWKS
(C) 08/00665/UNAWKS
(D) 08/00613/UNAWKS
(E) 08/00647/UNAUTU
(F) 08/00633/ADVERT
(G) 10/00212/UNAUTU
and others

567391 147451

Location: The Hop Farm Country Park Maidstone Road Paddock Wood
Tonbridge Kent TN12 6PY

1. Introduction:

- 1.1 As I explained in the holding report one part of the context for this matter is the report that I made to Planning and Transportation Advisory Board (PTAB) on 27 July. I can confirm that PTAB resolved to adopt the draft proposed updated version of the Planning Brief/Master Plan pursuant to Saved Policy P6/25. The analysis below takes account of the principles embodied in the revised Brief/Master Plan and focuses on the implementation process and the relationship with the enforcement notices that are in place.
- 1.2 In light of the scheduled timing of the Inquiry into the current appeals against the Enforcement Notices the Council has engaged Counsel with specialist knowledge of Listed Building matters which form the core of much of the justification for the enforcement action.
- 1.3 In terms of the overall timetable, following an Inquiry in late September, it will take number of months for the Inspector to report and, where an Enforcement Notice is upheld, the compliance period will not be less than that specified in the original Notice.
- 1.4 I set out below the appellant's suggested approach to remedying the breaches together with my initial response.

2. Discussion of owner's proposals:

- 2.1 **Blue marquee:** Detrimental to Green Belt. Compliance 1 month.
- Blue marquee already removed.
 - Base to be removed by the end of August 2011

Comment – this timetable will be significantly speedier than could be achieved by the Notice being upheld on appeal.

2.2 Climbing frame to the front of Bell 3: Detrimental impact on special architectural historic interest and setting of the Grade II* Listed Building. Compliance period 1 month.

- Remove connection to listed building and reinstate listed building by the end of September 2011.
- Planning application for relocation of the climbing frame to an area to be agreed with TMBC to be submitted within three months of the Council's approval of the Planning Brief/Master Plan.
- Climbing frame to be relocated within 12 months of the decision -we suggest this long to ensure that the works can be executed outside of the main season).

Comment – my initial assessment is that this period is rather more extensive than appears necessary to achieve all stages in the process but as with the Childrens' rides (see below) there is a significant amount of work necessary to alter/improve the area west of Bell 5 to receive the new facilities.

2.3 Children's rides: Inappropriate development within the Green Belt, having an adverse impact on setting of Listed Buildings. Compliance period 1 month.

- Submit a planning application for relocation of fairground rides to the area behind Bell 5 and adjacent buildings within three months of the Council's approval of the Planning Brief/Master Plan. This planning application will be for the relocation of one or more of the rides and/or their replacement with new rides.
- To remove all of the fairground rides from the area of hardstanding within 12 months of the decision on the application.

Comment – my initial assessment is that this period is rather more extensive than appears necessary to achieve all stages in the process but as with the Childrens' Climbing Frame there is a significant amount of work necessary to alter/improve the area west of Bell 5 to receive the new facilities.

2.4 Creation of hardstanding to the west of Bells 1-4: Inappropriate development in the Green Belt, having an adverse encroachment into the countryside and detrimental to rural amenities; detrimental impact on setting of Listed Buildings; inadequate surface water drainage. Compliance period 3 months.

- To remove all of the hardstanding within the area covered by the enforcement notice that has been added since the site was acquired by the present owner within one month of the removal of the fairground rides referred to above.

Comment – It will be necessary for the replacement works to be well designed and clearly specified and a replacement timetable devised. These works need to be executed after the current summer season and ideally before next spring. Planning permission is likely to be need for the replacement works.

2.5 Erection of Red big top/tent: Inappropriate development in the Green Belt, having an adverse encroachment into the countryside and detrimental to rural amenities; detrimental impact on setting of Listed Buildings: inadequate surface water drainage. Compliance period 1 month.

- Removal of Big Top and its base by 10 September 2011 (i.e. at the end of the main school holiday period)

Comment – this timetable will be significantly speedier than could be achieved by the Notice being upheld on appeal.

2.6 Siting of storage containers including lorry bodies/attached signage: Inappropriate development in the Green Belt, having an adverse encroachment into the countryside and detrimental to rural amenities; detrimental impact on setting of Listed Buildings. Compliance period 1 month. – Notice not served (see blow)

- To submit a signage scheme to replace the lorry bodies within three months of the Council's approval of the Planning Brief/Master Plan.
- To remove the lorry bodies and implement the signage scheme within one month of the signage scheme being approved

Comment: Following the resolution to take action against all container/lorry bodies/signage alongside the bypass north of the entrance roundabout all were removed with the exception of that which sits, with the dense tree screen behind it, at the northern boundary. No action was taken on that body, which appears to have been in place for some time before the resolution, pending the receipt of the alternative now proposed by the owners. It is not acceptable that the body or the attached signage should now remain any longer than necessary and I would encourage the submission of the signage scheme and its consideration so that a new signage system can be implemented for next season (some signs may need express consent of the Council and it is possible that some may not). The scheme should be an integral part of an Advertisement Consent application.

A further lorry body/signage has been introduced south of the entrance roundabout and has a very adverse impact on the setting of the site. That part of the Hop Farm site lies within Maidstone Borough and I shall arrange for this matter to be taken-up with them.

2.7 Children's Bouncing Pillows: Inappropriate development within the Green Belt, having an adverse encroachment into the countryside and detrimental to rural amenities; detrimental impact on setting of Listed Buildings. Compliance period 1 month.

- Planning application for retention of bouncing pillows with landscape mitigation scheme to be submitted within one month of the Council's approval of the Planning Brief/Master Plan.
- Landscape planting to screen pillows within the same timescale (or within one month of planning permission being granted, if this is preferred by both parties).

Comment – There would appear to be no reason why the planting should not take place in the forthcoming planting season from October – the work could occur whilst any planning application is being processed. The application should include a commitment to review the colouration of the pillows themselves should they subsequently require renewal..

2.8 The Driving School

- Planning application for retention of the miniature driving school, with landscape mitigation scheme and modifications to building so that it is of an agricultural appearance, to be submitted within one month of the Council's approval of the Planning Brief/Master Plan.
- Landscape planting and modifications to building within the same timescale (or within one month of planning permission being granted, if this is preferred by both parties).

Comment: this approach is acceptable – the opportunity should be taken to introduce the landscaping as early as possible in the forthcoming planting season (from October 2011).

2.9 Wooden fence north of hardstanding

- To plant native screening planting within one month of the Council's approval of the Planning Brief/Master Plan.
- *Comment* The Council will need to have sight of a planting scheme, sizes and spacing details and subsequent maintenance regime to ensure it will be effective and retained.

3. Discussion

3.1 The practical solutions proposed by the owners and as set out above appear to me to be well focussed on meeting the aspirations of the Council as identified in the range

of Enforcement Notices and the revised Planning Brief/Master Plan as considered by PTAB.

- 3.2 It is now necessary to establish how the proposals above can be actioned speedily in light of the forthcoming Inquiry. In this respect I consider that the most effective use of resources will occur if most of the energy and expenditure, of all parties, can be devoted to securing implementation of the physical changes rather than towards the production of evidence Inquiry. However it is absolutely crucial that the Council's intention to improve the appearance of the site, as witnessed by the service of the Enforcement Notices, is fully safeguarded.
- 3.3 In this latter respect I intend to seek Counsel's detailed advice as to the most appropriate tactical approach to secure the best possible improvements, in the shortest possible time, whilst ensuring that there is a fall-back the ability to take enforcement action should the programme offered by the owner stall. While the Council has the legal ability to waive, vary or withdraw and/or re-serve the Enforcement Notices (to reflect the changed circumstances, since PTAB and in light of the proposals made by the owners) but no such action should be taken until Counsel's detailed advice has been secured.
- 3.4 As is normal in any appeal case, matters must be kept under review in the run-up to the production of evidence for the scheduled Inquiry. Emerging matters will need to be the subject of detailed discussion with the Chief Solicitor in light of Counsel's advice. We will provide briefing for the Chairman and Local Members in light of this emerging legal advice and any actions by the owners.
- 3.5 Meanwhile the Committee is recommended to endorse the approaches proposed by the owners as set out in paragraphs 2.1 – 2.9 above, subject to my commentaries, so that the owners can be encouraged to proceed speedily.

4. Recommendation

- 4.1 **I RECOMMEND** that the approach set out in paragraphs 3.1 - 3.5 **BE ADOPTED** and that the Director of Planning, Transport and Leisure **BE GRANTED DELEGATED POWERS** to waive, vary, withdraw or make a substitute Notice subject to the concurrence of the Chairman of Area Planning Committee 2 and the Chief Solicitor.