

**Alleged Unauthorised Development
East Malling & Larkfield
East Malling**

EM/197

569525 155086

Location: Corio Farm 450 Watringbury Road East Malling West Malling Kent

1. Purpose of Report:

- 1.1 To report on the continued investigation into alleged breaches of planning control at the site following the refusal of planning permission at the August meeting of this Committee.

2. The Site:

- 2.1 The site lies within a Green Wedge and outside the rural settlement confines of East Malling. The site lies to the west of Watringbury Road, just north of its junction with Barming Road. To the north of the access lies 446 Watringbury Road, whilst to the northwest of the farm complex lies the residential property of Badgers Dell, situated behind a line of conifers. A pond lies to the south of the vehicular access. The site generally rises from the north to the south.

3. History:

- 3.1 TM/05/03699/FL Refused 29.08.06
Change of use of farm buildings (in part retrospective) to a combination of B1, B2 and B8 uses.
- 3.2 TM/05/02102/FL Withdrawn 14.11.2005
Change of use of farm buildings (in part retrospective) to a combination of B1, B2 and B8 uses.
- 3.3 TM/97/02077/AGPN Prior Approval Not required 19.01.1998
Prior Agricultural Notification: Erection of tractor store (Building 3).
- 3.4 Enforcement Notice served 12.05.1992 alleging the material change of use of the land for storage of caravans, motor caravans, coaches, lorries and civil engineering plant and equipment.
- 3.5 TM/91/1363 Approved 27.02.1992
Change of use of farm shop to B8 or B1 (Building 1).
- 3.6 TM/89/0299 Approved 19.07.1989
Erection of replacement barn (Building 2).
- 3.7 TM/86/1526 Approved 28.11.1986
Replacement of fire destroyed farm shop (Building 1).

3.8 TM/83/0395 Approved 08.06.1983
Erection of replacement farm building (Building 4).

3.9 TM/05/3699/FL Refused 24.08.2006

4. Alleged Unauthorised Development:

4.1 At this time a number of potential breaches of planning control are being investigated

5. Determining Issues:

5.1 Members will recall that at the August Committee planning permission was refused for the change of use of farm buildings and land to a combination of B1, B2 and B8 uses. That application also related to the provision of areas of open storage, vehicle parking and internal accesses. As a number of elements included within the application had already been undertaken, the application was in part retrospective. It was recognised at the time that decision was made that the Authority would need to consider what options are available in terms of potential enforcement action, and what actions might be appropriate in terms of dealing with the identified breaches, and I undertook to report further to Members regarding this in due course.

5.2 An update assessment of the site is currently being undertaken. All existing uses and built development are being investigated to identify what has been expressly permitted, what is lawful and what is unauthorised. With regard to those developments and uses which are unauthorised, we are examining what action might appropriately be taken to remedy those breaches.

5.3 Due to the complex nature and long history of the site it has not yet been possible to conclude the investigation. Therefore, I am not at present in a position to report conclusively and I hope members will appreciate that, before any further more formal steps are recommended, we must ensure that any such action is both possible and appropriate. I hope to be able to submit a further more detailed report to the November Committee meeting outlining what options are available and recommending action as appropriate.

6. Recommendation:

The report **BE NOTED.**

Contact: Richard Edmonds