

**Alleged Unauthorised Development**

**East Malling &  
Larkfield**

**08/00047/UNAUTU**

**569525 155080**

East Malling

Location: Corio Farm 450 Wateringbury Road East Malling West Malling  
Kent ME19 6JJ

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**1. Purpose of Report:**

1.1 To update Members following my report in December 2008 recommending the service of two Enforcement Notices.

**2. Factual Matters:**

2.1 An Enforcement Notice was served on 13 June 2008 against the following breach of planning control:

- The material change in use of land consisting of the expansion of a mixed agricultural contracting and civil engineering business, incorporating various and substantial operations in connection with the running of the business including the storage of plant and materials, the processing of materials, maintenance of vehicles and the installation of a hard surface onto pasture land hitherto unused for these purposes.

2.2 Prior to this Notice coming into effect on 17 July 2008, the owners lodged an appeal against the Notice. The appeal was due to be heard at a Public Inquiry on 3 March 2009.

2.3 Members will recall that in my December report I sought authorisation to serve two new Enforcement Notices to remove some possible ambiguity over the wording of the original Notice.

2.4 The two new Enforcement Notices were served on 4 February 2009. The first Notice requires two areas of hardstanding to be removed, whilst the second Notice requires cessation of the use of land for storage related to a mixed civil engineering and agricultural contracting business.

2.5 Following the Notices being served and after discussions with the Chief Solicitor, the owners and their agent, the original Enforcement Notice was, on legal advice, withdrawn. This means that the Public Inquiry will not take place.

2.6 The new Enforcement Notices take effect on 9 March 2009, this also being the last date for the owners to lodge appeals against the new Notices. However, the owners' agent has confirmed, in writing, that they are likely to comply with the Enforcement Notices and therefore it is unlikely that there will be an appeal against either of the

Enforcement Notices. It should be noted that, as indicated in my December report, neither of these Enforcement Notices will bite against the storage of logs for use in the domestic heating system at Corio Farm.

2.7 The Enforcement Notices require that, by the 9 June 2009:

- the two areas of hardstanding are returned to pasture and
- the use of land for mixed agricultural contracting and civil engineering business ceases and that all materials associated with that business are removed from a defined area. The site will be inspected shortly after this date to check compliance with the Notices.

**3. Recommendation:**

3.1 This information report **Be Noted**.

Contact: Aaron Hill