

Alleged Unauthorised Development
East Malling &
Larkfield
East Malling

10/00159/UNAWKS

570542 156745

Location: Paris Farm The Rocks Road East Malling West Malling Kent
ME19 6AT

1. Purpose of Report:

- 1.1 To report the alleged unauthorised change in use of land from farm yard to a use comprising the placement and use of 5 portable containers used in connection with a B1 business use.

2. The Site:

- 2.1 The site is a large area of hardstanding on the southern side of the building which has planning permission for B1 use. The hardstanding is surrounded by a 1.8m high close boarded fence. The area of land although adjacent to the B1 building is not within the area covered by the 'red line' on the application for the use of the building and its lawful use therefore remains as part of the farm yard

3. History:

- 3.1.1 There is an extensive planning history to the site with the most relevant being:

TM/02/01261/FL Approved 27 September 2002

Change of use of packing station to B1 light industrial use

TM08/03774/FL Refused 17 June 2009. Enforcement Notice served. Appeals against refusal of planning permission and service of the Enforcement Notice pending.

Change of use from B1 (light industrial) to a mixed B1 (light industrial) and D1 (Chiropractic clinic) including the stationing of a portacabin clinic unit

4. Alleged Unauthorised Development:

- 4.1 The unauthorised change in use of land from farm yard to a use comprising the placement and use of 5 portable containers used in connection with a B1 business use.

5. Determining Issues:

- 5.1 Members will recall that when planning permission was refused under TM/08/03774/FL authorisation was given to issue an enforcement notice to seek the removal of the unauthorised portable office unit as this development was detrimental

to the open character of the countryside. Since that time it has become clear that the occupier of the site has placed 5 further portable storage units within the fenced compound.

- 5.2 Contact has been made with the owner requesting that he remove the portable storage units from the land. His response was to say that they were permitted development as they were movable structures and not fixed to the ground and would be used to store equipment pending the provision of a permanent storage facility. However it is clear that the area of land on which the portable containers are stored is outside the approved B1 area and therefore the lawful use of this area remains farm yard. For this reason a change in use of the land has occurred and, as no planning permission has been granted for the use or for the stationing of the containers, this development is unauthorised.
- 5.3 As with the single portacabin unit, the stationing of these additional 5 portable containers is also detrimental to the open character of the countryside and as such is contrary to policy CP14 of the Local Development Framework Core Strategy. It is felt that, if sought, planning permission for such a change in use could not be forthcoming. For this reason I do believe that it is expedient to take enforcement action.

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.

Breach Of Planning Control Alleged

Without planning permission the change in use of farm yard to a use comprising the placement and use of 5 portable container units used for storage in connection with the use of the adjacent building for B1 use.

Reasons For Issuing The Notice

It would appear that the above breach of planning control has occurred within the last ten years. The retention of the portable office units is detrimental to the open character of the countryside location and rural location in general and is therefore contrary to Policy CP14 of the Tonbridge and Malling Borough Local Development Framework Core Strategy.

Requirement

To permanently cease the use of the land for the stationing of the 5 portable containers and to permanently remove all such containers from within the fenced area as shown hatched on the attached plan.

Period For Compliance

Six calendar months from the date the Notice becomes effective.

Contact: Richard Edmonds