

## **Alleged Unauthorised Development**

**East Malling &  
Larkfield**  
East Malling

**11/00315/UNAUTU**

**570542 156745**

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

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### **1. Purpose of Report:**

- 1.1 To report the unauthorised change in use of the site from agricultural land to land used for the stationing of a residential caravan, which may involve use as a residential caravan site and other potential breaches of control.

### **2. The Site:**

- 2.1 Paris Farm involves a number of areas of land in various uses, some of which are mentioned in reports elsewhere on this agenda.

### **3. History:**

- 3.1 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. 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.

*Enforcement Notice* served requiring the permanent removal of the portable clinic unit from the land

*Appeals* against refusal of planning permission was dismissed and the Enforcement Notice upheld on 30 September 2010

*Enforcement Notice* authorised on 30 September 2010 – Permanently cease the use of the land for the stationing of the 5 Portable containers and to permanently remove all such containers.

- 3.2 The occupier of the site has in the past been prosecuted for the non compliance with the Enforcement Notice with regard to the portacabin clinic unit. The occupier was found guilty of a breach of the Notice and was fined £1600 and costs of £100 were awarded. The portable clinic unit has now been removed.

3.3 The occupier has said that that the portable containers would be removed and prosecution action has been held in abeyance. It has become clear that two containers remain on site and the owner of the whole farm and the occupier of the site will be called in for a formal Interview under Caution and if necessary proceed to prosecution action.

**4. Determining Issues:**

4.1 As Members can see this site has been the subject of a number of enforcement investigations which have resulted in Enforcement Notices being issued. It became apparent in September of this year that a caravan had appeared on the site. One of the occupiers of part of the site has stated that this caravan is used by him for security reasons. He has also stated that the caravan is to be removed over the weekend of 29<sup>th</sup> and 30<sup>th</sup> October 2011.

4.2 The area of land on which the caravan is placed 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 of the land as a residential caravan site, this development is unauthorised.

4.3 The Council has been told that the caravan is occupied for a purely security basis and the occupier of the land residential dwellinghouse in the locality. It remains unclear as to whether the caravan is residentially occupied and our investigations continue. There are no personal circumstances which require the occupier to live on the site or have a further on-site facility such as this and this would suggest that no exception to the planning policies should be made.

4.4 The use of the caravan for residential or other purposes is 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 uses such as these would not be forthcoming. For this reason, I do believe that it is expedient to take enforcement action but the final specification will need to be specified in a Supplementary Report.

4.5 In addition I have received suggestions that further breaches may have occurred with regard to the siting of the portable containers. We are actively investigating these matters and will also report on this in a Supplementary Report.

**5. Recommendation:**

5.1 More detailed recommendations will be made in a Supplementary Report.

Contact: Richard Edmonds