

Alleged Unauthorised Development

Burham
Burham Eccles
Wouldham

13/00006/USEM

574566 162075

Location: Land south of Common Road, opposite Upper Bell PH
Chatham Road Aylesford Kent

1. Purpose of Report:

- 1.1 To report the unauthorised erection of a means of enclosure exceeding 1m in height above ground level adjacent to a highway used by vehicular traffic.

2. The Site:

- 2.1 The site lies to the south of Common Road and on the western side of the now redundant section of the former A229.

3. History:

- 3.1 There is no relevant history to this piece of land.

4. Alleged Unauthorised Development:

- 4.1 The unauthorised erection of a means of enclosure exceeding 1m in height above ground level adjacent to a highway used by vehicular traffic.

5. Determining Issues:

- 5.1 The area of land in question has been unused for a number of years. The site had become overgrown with self-seeded vegetation which the owner of the site has very recently cleared. There was no action that could have been taken to prevent the removal of the vegetation as there were no protected trees within the site nor does it fall within a Conservation Area and the trees in themselves were not worthy of protection.
- 5.2 A low fence had been erected around the site some time ago and this has now been removed and replaced by a 2m high, solid means of enclosure which has been erected in its stead. The land on which the fence has been erected is adjacent to the public highway and so any means of enclosure erected cannot exceed 1m in height if it is to fall within permitted development limits. The means of enclosure erected therefore requires the benefit of planning permission from this Authority.
- 5.3 On 31 January 2013, a letter was sent informing the owner that planning permission was required for the means of enclosure and that it was officer opinion that such permission would not be forthcoming. This assessment was reached because of the

adverse impact on the streetscene and the character of the area. The owner was given 14 days to remove the means of enclosure which to date has not occurred.

- 5.4 As no permission from this Authority has been sought or given and the fence does not benefit from permitted development rights, an assessment must be made as to whether it is expedient to take enforcement action to seek the removal of this means of enclosure. The site falls within the Kent Downs Area of Outstanding Natural Beauty and, because of its height, location, visual appearance and solid, imperforate nature, the means of enclosure has a detrimental impact on the natural beauty and landscape of this Area. The development has not employed appropriate materials for this particular location and purpose, is of inappropriate design, and has no regard to local distinctiveness and the landscape character of the area. For these reasons, it is contrary to policy CP7 of the Tonbridge and Malling Local Development Core Strategy 2007. The development also does not accord with the detailed design guidance contained within the Kent Downs Area of Outstanding Natural Beauty Landscape Design Handbook January 2005.
- 5.5 The means of enclosure is of poor design and does not respect the site or its surroundings and for this reason it is contrary to policy CP24 of the Tonbridge and Malling Local Development Framework Core Strategy 2007 and is also contrary to policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 for similar reasons. The development does not conserve the landscape and scenic beauty of the AONB and is therefore contrary to paragraph 115 of the National Planning Policy Framework.
- 5.6 For the above reasons I believe that it is expedient to take enforcement action to seek the removal of the unauthorised means of enclosure.

6. Recommendation:

- 6.1 An Enforcement Notice **BE ISSUED**, the detailed the wording of which to be agreed with the Director of Central Services, requiring the removal of the means of enclosure for the reasons identified above.

Contact: Richard Edmonds