

## **Alleged Unauthorised Development**

**Tonbridge**  
Cage Green

**14/00326/WORKM**

**559312 148087**

Location: Public Convenience The Ridgeway Tonbridge Kent TN10 4NL

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

- 1.1 To report an unauthorised means of enclosure adjacent to a public highway used by vehicular traffic that exceeds one metre in height above ground level.

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

- 2.1 The site lies adjacent to the junction of The Ridgeway and Shipbourne Road. It is bordered by residential properties to the north and the east, and public highway to the west and the south.
- 2.2 It forms a strip of land that accommodates a small building (formerly a Council owned public convenience), with the remainder of the land comprising a relatively narrow strip of grass.

### **3. Alleged Unauthorised Development:**

- 3.1 Without the benefit of planning permission, the construction of a means of enclosure which is adjacent to the highway used by vehicular traffic and exceeding one metre in height above ground level.

### **4. Determining Issues:**

- 4.1 On the 09 September 2014 it was brought to Officers attention that works were commencing on site following the sale of the land at auction earlier that year.
- 4.2 The site was inspected on the 11 September 2014 and at that time a hoarding was being erected to secure the site. The hoarding has been erected on the southern and western boundary of the site and measures around 3 metres in height.
- 4.3 Members will be aware that Class A, Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 allows for the construction of buildings, movable structures, works, plant or machinery temporarily in connection with and for the duration of operations to be carried out on, in, under or over that land or on land adjoining that land. This allows for hoardings to be erected around sites for the duration of building works.
- 4.4 At the time of the original inspection, Officers understood that the submission of a formal planning application for the development of the site was imminent. A planning application was subsequently received for a new 3 bedroom house under application reference TM/15/00430/FL. Planning permission was subsequently refused for on the

17 April 2015. The owner has submitted an appeal against the refusal of planning permission and this is currently with the Planning Inspectorate for consideration.

- 4.5 The hoarding has a clear impact on the visual amenities of the locality by virtue of its overall height, length and general appearance and it clearly forms a prominent and obtrusive feature within the street scene on the corner of The Ridgeway and Shipbourne Road. As a result, the development that has taken place conflicts with the requirements of paragraph 58 of the NPPF, Policy CP1 and CP24 of the TMBCS, and Policy SQ1 of the MDE DPD.
- 4.6 Conversely, following a more recent assessment of the site itself, I do not consider that the removal of the hoarding would result in any visual harm. Aside from the need to remove some remaining debris (bags of sand), the site itself is not in a poor condition. At this time there has been no further works undertaken on site since the initial ground works to discover utility services running across the site and the building itself remains intact. As such, in my view there are no overriding Health and Safety considerations present that might reasonably warrant the retention of the hoarding at this time. The owner has advised that he has concerns about the security of the site in relation to fly tipping or unauthorised access if the hoarding was to be removed. The general upkeep of the building and wider site to prevent vandalism or fly tipping is something the owner will need to consider but this will require some degree of management that does not in itself have a harmful impact on visual amenity.
- 4.7 The owner has also suggested that he does intend to remove the hoarding but to date no firm commitment has been given as to when that might occur. The situation has been ongoing for some time now and it has not been possible to secure removal of the hoarding by informal means. With that in mind, and given the current planning status of the site, it is considered necessary to seek authorisation from members for the service of an Enforcement Notice requiring the removal of the hoarding and any remaining debris on the land.

## 5. Recommendation:

An Enforcement Notice **BE ISSUED**, the detailed wording of which to be agreed with the Director of Central Services, requiring the removal of the hoarding and any debris remaining on the land.

Contact: Paul Batchelor