

Alleged Unauthorised Development

Wrotham

13/00344/WORKM

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Wrotham, Ightham And
Stansted

Location: Site Of Court Lodge Cottage Old London Road Wrotham
Sevenoaks Kent

1. Purpose of Report:

- 1.1 To report the unauthorised erection of a large single storey building, the erection of a shed within the curtilage of the former Court Lodge building which is Grade II Listed and currently undergoing conversion, and the construction of a footpath within the site.
- 1.2 Under our Delegated powers we have recently served a Breach of Condition Notice with regard to the road surface within the site which is currently formed from a Tarmac surface but is shown to be constructed out of Tar and Chip as approved under TM/14/02756/NMA and TM/12/01674/RD, and will shortly be issuing a Breach of Condition Notice (a breach of condition 11 of TM/10/03521/FL) on the white gate that has been erected along Old London Road.
- 1.3 Details of the landscaping pursuant to condition 11 of TM/10/03521/FL have recently been approved under TM/12/01674/RD, in relation to Phase 2 (Demolition of Court Lodge Cottages and creation of a courtyard development, consisting of eight dwellings within two new buildings, including three affordable units, together with new access to Old London Road) and a Non Material Amendment to planning permission TM/11/01782/FL (Demolition of single storey side extensions, erection of building for 6 garages and 2 bed flat above, and conversion of Court lodge to provide 2 no. apartments and 4 no. dwellings including alterations to existing Gardeners Cottage) to update the landscape proposal (TM/14/02756/NMA). During these applications the applicant was written to on a number of occasions about the matters set out in paragraph 1.1, but unfortunately no action to revert to the approved plans received in relation to TM/14/02756/NMA or TM/12/01674/RD was taken. Given that these applications were for Reserved Details and a Non Material Amendment, the Local Planning Authority has no powers to place further conditions when determining these matters, and therefore the matters are now being considered in terms of whether further Enforcement Action should be taken.

2. The Site:

- 2.1 The site lies within the settlement confines of Wrotham, within the Wrotham Conservation Area and the Kent Downs AONB.
- 2.2 The site comprises (a) Court Lodge, a detached building, formerly a single dwelling house, which has been converted into 2no. apartments and 4 no. dwellings

(TM/11/01782/FL & TM/11/01783/LB), known as Phase 1; (b) a courtyard development consisting of eight dwellings (TM10/3521/FL), known as Phase 2; and a development of 5 detached dwellings to the north of the site (TM/08/03010/FL) known as Phase 3. The site is screened from Old London Road by an area of mature trees.

- 2.3 The main building is a Grade II Listed Building, with a large communal lawn lying to the south and north of this
- 2.4 The north-eastern frontage to Old London Road consists of a 2.6m high ragstone wall and 1.4m estate railing.

3. Planning History (selected):

TM/06/01574/FL Approved 23 November 2011

Demolition of single storey side addition, erection of replacement building and conversion of Court Lodge to provide 7 no. dwellings, with new vehicular access and footway to Old London Road

TM/06/01573/LB Approved 23 November 2011

Listed Building Application: Demolition of single storey side addition, erection of replacement building and conversion of Court Lodge to provide 7 no. dwellings, with new vehicular access and footway to Old London Road

TM/07/03032/FL Approved 6 December 2007

Demolition of Court Lodge Cottage and the creation of a courtyard development consisting of eight dwellings within three new buildings together with new access to London Road

TM/07/03033/CA Approved 6 December 2007

Conservation Area Consent: Demolition of Court Lodge Cottage

TM/08/03010/FL Approved 9 June 2009

Erection of five detached houses with access from Court Meadow

TM/10/02914/FLX Approved 14 January 2011

Extension of time for planning permission TM/07/03032/FL: Demolition of Court Lodge Cottage and the creation of a courtyard development consisting of eight dwellings within three new buildings together with new access to London Road

TM/12/01770/FL Approved 28 September 2012

Variation of condition 1 to planning permission TM/08/03010/FL (Erection of 5 detached houses with access from Court Meadow) to vary the phasing of development in conjunction with TM/06/01574/FL and TM/06/01573/LB

TM/10/02915/CAX Approved 10 December 2010

Extension of time for Conservation Area Consent TM/07/03033/CA: Demolition of Court Lodge Cottage

TM/11/01782/FL Approved 19 December 2012

Demolition of single storey side extensions, erection of building for 6 garages and 2 bed flat above and conversion of Court Lodge to provide 2 no apartments and 4 no dwellings including alterations to existing Gardeners Cottage

TM/11/01783/LB Approved 16 August 2013

Listed Building Application: Demolition of single storey side extensions and conversion of Court Lodge to provide 2 no. apartments and 4 no. dwellings

TM/13/01848/NMA Approved 24 July 2013

Non Material Amendment (minor amendments to landscaping) to planning permission TM/11/01782/FL (Demolition of single storey side extensions, erection of building for 6 garages and 2 bed flat above, and conversion of Court Lodge to 6 apartments and associated works including alterations to existing Gardeners Cottage)

TM/14/02756/NMA Approved 10 April 2015

Non Material Amendment to planning permission TM/11/01782/FL (Demolition of single storey side extensions, erection of building for 6 garages and 2 bed flat above, and conversion of Court Lodge to provide 2 no. apartments and 4 no. dwellings including alterations to existing Gardeners Cottage) to update the landscape proposal

4. Alleged Unauthorised Development:

- 4.1 Without planning permission the erection of a single storey building within the grounds of Court Lodge, the erection of a shed also within the grounds, and the construction of a footpath within the site.

5. Determining Issues:

- 5.1 It has become clear that as the construction on the site has progressed a number of developments have taken place within the site which have not received planning permission from this Authority.

- 5.2 The site lies within the rural settlement confines of Wrotham. Policy CP13 of the TMBCS states that new development within the confines of rural settlements, including Wrotham, will be restricted to minor development appropriate to the scale and character of the settlement.
- 5.3 TMBCS policy CP24 sets out the general criteria for all new development including a provision that development must respect the site and its surroundings and that it will not be permitted where it would be detrimental to the built environment and amenity of a locality. This is supported by policy SQ1 of the MDE DPD which states that all new development proposals should protect, conserve and where possible enhance:
- the character and local distinctiveness of the area including any historical and architectural interest and the prevailing level of tranquillity;
 - the distinctive setting of and relationship between, the pattern of settlement, roads and the landscape, urban form and important views.
- 5.4 Paragraph 131 of the NPPF states that LPAs should take account of the desirability of sustaining and enhancing the significance of heritage assets (in this case the Listed Building and Conservation Area). Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The significance of such an asset can be harmed or lost through alteration of the asset or through development within its setting.
- 5.5 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that there is a general duty when carrying out any functions under the Planning Acts with respect to any buildings or other land within a Conservation Area to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The developers have constructed a large single storey building (clad in UPVC) on a hard surface base in a location shown on the most recently approved landscaping scheme as being an area comprising brick hardstanding. The building has been inspected and, at the time of this inspection, was empty but it would appear to be intended to be used as a communal garden room. The building by virtue of its overall size, siting, specific design and materials used detracts from the setting of both the Listed Building and the Conservation Area. For this reason, the development is contrary to Policy CP24 of the TMBCS, policy SQ1 of the MDE DPD and paragraphs 131 and 132 of the NPPF.
- 5.6 A new footpath has been constructed leading from the unauthorised building described above through the site in a westerly direction. The area covered by the footpath should be laid to lawn. The footpath is constructed of tarmac and is an urbanising feature in a rural location, again detracting from the setting of the Listed Building and Conservation Area. There is no need for this footpath to remain in situ and the construction methods and materials are not appropriate for this area. For this

reason, the development is contrary to Policy CP24 of the TMBCS, policy SQ1 of the MDE DPD and does not meet the requirements set out in the NPPF.

- 5.7 In addition, a shed has been constructed on what will be the formal garden of one of the new dwellings formed from the original Court Lodge building. The shed has been constructed in a prominent position and as a result detracts from the setting of both the Listed Building and the Conservation Area and is contrary to the policies set out above.
- 5.8 For the above reasons I believe that it is expedient to take enforcement action and, if Members are minded to approve such action, I think it is appropriate to issue three separate enforcement notices against each individual breach of planning control.

6. Recommendation:

- 6.1 Enforcement Notices to **BE ISSUED**, the detailed wording of which to be agreed with the Director of Central Services, requiring the following:
- Removal of the unauthorised single storey building and landscape the area in accordance the approved landscaping plan 01-523-101 N dated 13 March 2015.
 - Removal of the unauthorised footpath and landscape the area in accordance with the approved landscaping plan 01-523-101 N dated 13 March 2015.
 - Removal of the unauthorised shed and landscape the area in accordance with the approved landscaping plan 01-523-101 N dated 13 March 2015

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