

**Alleged Unauthorised Development**

**Trottiscliffe**

**15/00142/WORKM**

**564923 161158**

Downs And Mereworth

Location: The Warrens Pilgrims Way Trottiscliffe West Malling Kent  
ME19 5EW

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**1. Purpose of Report:**

- 1.1 To report the unauthorised construction of a two storey building within the grounds of The Warrens, Pilgrims Way.

**2. The Site:**

- 2.1 The property is a 1920s bungalow set in a large plot (approximately 40m x 205m) on the south side of that part of Pilgrims Way to the east of Pinesfield Lane. The site is at the foot of the scarp slope of the North Downs and within the AONB and the Green Belt.

**3. Planning History:**

67/10593/OLD (MK/4/67/450)      Approved 10.10.1967

Outline application for a bungalow and garage (extension of period)

73/10559/OLD (MK/4/73/141)      Refused 19.03.1973

Outline application for chalet bungalow

74/12097/OLD (TM/74/798)      Refused 14.10.1974

One bungalow

TM/07/00523/OA      Refused 10.04.2007

Outline application for a bungalow

**4. Alleged Unauthorised Development:**

- 4.1 Without the necessary planning permission, the construction of a two storey building within the grounds of The Warrens, Pilgrims Way.

**5. Determining Issues:**

- 5.1 A timber building with ground floor and loft beneath a tiled roof and with a floor plan of 6.170m x 3.330m (20.546 square metres) has been replaced by a new two storey building. The new building has been built partly on the same foundation with an additional ground floor extension 3m wide x 3.260m deep (9.780 Square Metres) on

the southern elevation. The new building has block walls with horizontal timber boards cladding the exterior elevations and a tiled roof. There is a flat roofed dormer on the southern roof slope. There are white double glazed UPVC windows and doors. There are mains electricity and water supplies via the main dwelling, but no foul water drainage was seen at the time of inspection. Inside there is one small room in the north east on the ground floor. The remaining ground floor is open plan with a kitchen sink and small worktop. There are light fittings and plug sockets with provision for more. The internal walls are lined with plasterboard with vertical timber wall cladding around the sink area. At present there is ladder access to the loft area, where the roof is partially lined. Works are still in progress.

- 5.2 The owners have stated that they were verbally informed that the gradual alteration or improvement of the building would not require planning permission. The roof was supported while the original timber framed walls were removed and replaced by block walls. The roof timbers were then found to be rotten and the whole roof structure was then replaced. Parts of the existing structure are still on site and do show evidence of rot.
- 5.3 However, apart from the original brick foundation to the main building, the whole structure is new, including a new internal concrete floor slab. This is therefore a new building rather than the alteration or improvement of the original building and is larger than the building it has replaced. The new structure is on a slightly sloping site, but has a dual-pitched roof partly with a ridge that is higher than 4 metres (4.2 metres) and partly with a flat roofed dormer extension that is 4.3 metres high. The new structure has two storeys and is more than 20 metres from the nearest wall of the main dwelling house and covers more than 10 square metres of ground within the AONB. For these reasons the building does not constitute permitted development within Part 1, Class E of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. The structure must therefore be regarded as a new building within the AONB and the Green Belt, that does require the benefit of planning permission.
- 5.4 Government Guidance relating to development within the Green Belt is contained within Section 9 of the NPPF and seeks to restrict inappropriate development, which should only be allowed in very special circumstances. One of these exceptions does allow for the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces and it would not have a greater impact upon the openness of the Green Belt than the existing development. Policy CP3 of the TMBCS states that national Green Belt policy will be applied.
- 5.5 Policy CP1 of the TMBCS requires all new development to result in a high quality sustainable environment. Policy CP14 restricts development in the countryside generally to be (inter alia) one for one replacements or appropriate extensions to buildings. Policy CP24 requires all development to be well designed and of a high quality in terms of detailing and use of appropriate materials, and must through its scale, siting, character and appearance be designed to respect the site and its surroundings and, wherever possible, make a positive contribution towards the

enhancement of the appearance of the area. Development which by virtue of its design would be detrimental to the built environment, amenity or functioning and character of a settlement or the countryside will not be permitted.

- 5.6 According to Policy SQ1 of the MDE DPD, all new development within the Kent Downs AONB is required to protect, conserve and, where possible, enhance the character and local distinctiveness of the area and the prevailing level of tranquillity, the distinctive setting of, and relationship between, the pattern of the settlement, roads and the landscape and important views.
- 5.7 The new building is in the same location as the original building and about 34 metres from the nearest wall of the main dwelling. The owner advises that the building is to be used to accommodate their parrot collection and as a sewing room, both uses that are incidental to the enjoyment of the dwellinghouse. The new building clearly has a larger overall footprint and height than the existing building it replaces. For these reasons, the building in question represents inappropriate development within the Green Belt which is, by definition, harmful. Further to this harm, I consider that the substantial size and prominence of the building is causing overt harm to the openness of the Green Belt at this point, which is exacerbated by the fact that the building is located some distance from the main house. The development is therefore contrary to the requirements of the NPPF and policy CP3 of the TMBCS.
- 5.8 Furthermore, the inclusion of a flat roof dormer in the roof and the protruding element on the southern ground floor increases the scale, bulk and prominence of the structure in the landscape and results in an incongruent design and appearance with inappropriate detailing detrimental to the appearance and character of the rural area contrary to policies CP14 and CP24 of the TMBCS and policy SQ1 of the MDE DPD.
- 5.9 I accept that the owners of the site state that the building is intended to be used in connection with their specific hobbies but the building has been constructed and fitted out in such a way that suggests it could be capable of being occupied independently in the future. It is not characteristic of a more open style aviary structure you might expect birds to be kept in, for example, and its relative separation from the main house brings into question how reasonably related it would be to the activities of the main house in terms of accommodating hobby activities.
- 5.10 In these circumstances I consider that the most appropriate course of action is to serve an enforcement notice to secure the removal of the building.

## 6. Recommendation:

An Enforcement Notice to **BE ISSUED** the detailed wording of which to be agreed with the Director of Central Services, requiring the removal of the unauthorised building.

Contact: Gordon Hogben