

Alleged Unauthorised Development

**East Malling &
Larkfield**

14/00346/USEM

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East Malling

Location: Corio Farm 450 Wateringbury Road East Malling West Malling
Kent ME19 6JJ

1. Purpose of Report:

- 1.1 To report the unauthorised change in use of agricultural land to land used for the storage of builders waste and rubble and the use of the site for the manufacture of wood chippings and associated storage of chippings.

2. The Site:

- 2.1 The site lies within open countryside and outside the rural settlement confines of East Malling. The site lies to the west of Wateringbury Road, just north of its junction with Barming Road. To the north of the access lies 446 Wateringbury Road, whilst to the northwest of the farm complex lies Badgers Dell situated behind a line of conifers. A pond lies to the south of the vehicular access. The site generally rises from the north to the south.
- 2.2 Corio Farmhouse is the first building you approach from the vehicular access off Wateringbury Road. The site contains a number of buildings including a redundant farm shop, a store and garages and a wide variety of blockwork, brickwork and profiled steel clad structures.
- 2.2 The authorised use of the site remains a mix of residential, agricultural and B1 (business) and B8 (storage).

3. Planning History:

- 3.1 Members will be aware that there is an extensive planning history involving this site. The historic matters particularly pertinent to this case are as follows:
- 3.2 Enforcement Notice issued on 10th December 1991 regarding a change of use of the land to a caravan site. Records indicate that the caravan was removed and the notice complied with in February / March 1994.
- 3.3 TM/05/03699/FL Refused 29.08.2006; Appeal dismissed on 10.09.2007
Change of use of farm buildings (in part retrospective) to a combination of B1; B2

4. Alleged Unauthorised Development:

- 4.1 An area of the site is being used for the storage of builder's waste materials and rubble. Such a use is considered in planning terms as "sui generis" and therefore requires planning permission from the Council.
- 4.2 Another portion of the site is being used for the manufacture of wood chippings and wood chip storage which amounts to a B2 (general industrial) use, which also requires planning permission.

5. Determining Issues:

- 5.1 Since activities at the site (summarised at Section 3 of this report) were last reported to Committee, the owner had complied with the Enforcement Notices issued at that time. However, it has become clear that new development has since been undertaken requiring the benefit of planning permission. These are dealt with individually as follows:
- 5.2 A large proportion of the site is now being used to store considerable amounts of builders rubble, waste materials and hard-core. The owner of the site has indicated that these materials are intended to be used for the construction of a new roadway and entrance onto Wateringbury Road. Such a new roadway and access would require the benefit of planning permission from this Authority and to date no such permission has been applied for. It is correct that the materials could be used to maintain the existing internal road ways within the site but again there has been no evidence that this has taken place since the materials were first noted on site. It can therefore only be concluded that the materials are being stored on the site, not in association with any other ongoing works, thus giving rise to an unauthorised change of use of the land in question.
- 5.3 A field which comprises a portion of the farm has historically been in agricultural use but it is clear that since the last enforcement proceedings in respect of the site were concluded, this land has been used for the storage of wood and the production of wood chippings/pulp. Such a use is a B2 use taking place on an area of previous agricultural land. This use has been in operation for less than 10 years and as such is not immune from enforcement action.
- 5.4 Policy CP1 of the TMBCS requires new development to result in a high quality environment and to preserve the quality of the countryside. Policy CP14 of the TMBCS restricts development in the countryside, subject to some specified exceptions. The development in question does not meet any of the criteria set out within policy CP14 and is therefore not acceptable in the broadest of policy terms. Policy CP24 of the TMBCS prevents development which would be detrimental to the amenity or functioning and character of the countryside.

- 5.5 The current nature, scale and extent of the unauthorised uses and associated operations on the site go beyond what is acceptable in this rural location as they have a significant detrimental impact on the appearance of the countryside.
- 5.6 Given the nature of the uses in question, particularly the manufacture of wood chippings which involves noisy processing operations, causes disturbance to the nearest residential properties and is therefore harmful to their residential amenities. For this reason also, the development that is being undertaken is contrary to the requirements of policy CP1 of the TMBCS.
- 5.7 In the circumstances, it is recommended that Enforcement Notices be issued relating to the unauthorised changes of use for the reasons given above.
- 6. Recommendation:**
- 6.1 Enforcement Notices **BE ISSUED** to seek the cessation of the unauthorised uses and removal of all materials, the detailed wording of which to be agreed with the Director of Central Services.

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