

Alleged Unauthorised Development

Aylesford

15/00323/WORKM

574379 162572

Aylesford North And
Walderslade

Location: Land Off A229 Blue Bell Hill Aylesford Kent

1. Purpose of Report:

- 1.1 To report the unauthorised erection of a raised building, set amongst the trees, used for storage purposes.

2. The Site:

- 2.1 The building sits within land which comprises a large area of woodland outside the confines of Blue Bell Hill village, situated to the north of Blue Bell Hill sports field.

3. Planning History:

- 3.1 None.

4. Alleged Unauthorised Development:

- 4.1 Without planning the erection of a raised building set amongst the trees used for storage purposes

5. Determining Issues:

- 5.1 The Authority received information in September 2015 that a new tree house had been constructed on the land. A site meeting was held with the owner who claimed that the building was not a tree house but a shed that had been constructed on stilts. Notwithstanding how the building might be described, it is clear that it amounts to operational development which requires the benefit of planning permission.
- 5.2 The owner of the land claims that it is his intention to undertake work on site to clear the undergrowth and would need the building to store his tools in to enable this to take place.
- 5.3 Policy CP14 of the TMBCS restricts development in the countryside, subject to some specified exceptions. One of the exceptions relates to development that is necessary for the purposes of agriculture and forestry but this is within the context of rural enterprise rather than to provide for hobbyist activities. Furthermore, the development in question is incongruous in nature by virtue of its design and height and causes clear visual harm, contrary to the requirements of policy CP24 of the TMBCS.

- 5.4 It should also be noted that the site falls within the Strategic Gap between Maidstone and the Medway Gap. Within this area development will not be permitted that would harm the function of the Mid Kent Strategic Gap unless there are special circumstances to allow such development. Such circumstances would include a shortfall in strategic housing. Although this policy constraint must be borne in mind, it is my view that the development in question does not, in its own right, compromise the strategic objectives of this policy designation and is not, therefore, a justification alone for taking enforcement action. Moreover, it is the harm identified above which leads to the conclusion that action should be taken.
- 5.5 The site falls within a site of wildlife, geological and geomorphological interest. Policy NE1 of the MDE DPD states that development should not take place within the specified areas unless it can be demonstrated that the benefits of the development override the need to safeguard the nature conservation value of the site and it must minimise harm to the nature conservation of the site. The development in its own right adds nothing to the wider conservation of the site and, as mentioned, forms an alien feature within the woodland. The owner has indicated that the building is required to store equipment to allow for clearance works within the woodland, which I appreciate could have some merit in terms of nature conservation, but in the absence of any details as to what this may entail in practice it is not possible to gauge at this time. Notwithstanding this, any such conservation work would not override the identified visual harm caused by the building being in situ.
- 5.6 For the above reason I believe that it is expedient to take enforcement action to seek the removal of the new building.

6. Recommendation:

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

Contact: Richard Edmonds