

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**AREA 2 PLANNING COMMITTEE**

**25 May 2016**

**Report of the Director of Planning, Housing and Environmental Health and  
Director of Central Services**

Part 1- Public

Matters for Information

**ENFORCEMENT ACTION – UPDATE REPORT**

To update Members on enforcement action taken using emergency powers in connection with the demolition of the Rose and Crown PH, East Peckham and the unauthorised use of land as a depot and associated parking of vehicles and siting of various structures at Nepicar Farm, Wrotham Heath.

**1.1 Update: Rose and Crown Public House, East Peckham**

1.1.1 The demolition of buildings constitutes 'building operations' (section 55(1A) of the 1990 Act). Demolition that does not come forward as part of wholesale redevelopment proposals for a site requires a determination from the Local Planning Authority as to whether or not any prior approval is required for the method of demolition and any subsequent restoration of the site in question.

1.1.2 On Friday 20 May 2016, it came to the Council's attention that substantial demolition of the former public house was being undertaken in the absence of the above process having been followed.

1.1.3 As soon as it became apparent that such works had commenced, the demolition contractors on site were instructed to stop all works following which a Land Registry search was undertaken to establish the owner of the site (subsequently found to be Baxter Homes). The owners were also contacted at this time and told to ensure works ceased. At that time, Officers were assured that works would stop but upon visiting the site on the morning of 23 May, it was clear that works were continuing.

1.1.4 This has left a situation whereby the building, which occupies a prominent corner plot within the village, has been substantially demolished; with building materials and associated rubble and waste having been piled up across the site (although it does appear that some demolition waste has been removed in the intervening days).

1.1.5 It is therefore clear that further works are required on site to remedy the current position in order to regularise the appearance of the site in the

interests of the visual amenities of the locality in the absence of a wider scheme for the redevelopment of the site.

- 1.1.6 In this instance our primary concern is ensuring the immediate improvement of the condition of the site and with this in mind it was concluded that the most appropriate form of action would be to serve an Enforcement Notice using the emergency powers of the Director of Central Services. The Notice was served on 25 May 2016. If no appeal is lodged by the developer, the Notice will become effective on 27 June 2016 with a period for compliance of seven days.
- 1.1.7 The Notice requires the demolition of the remainder of the building to ground floor level along with the removal of all demolition waste and associated arisings from the site (wholesale site clearance) and also stipulates a scheme for securing the site (fencing along all boundaries with the road frontage).
- 1.1.8 We have reported this matter to the Committee in view of the serious nature of the breach of planning control and the extent of the works required by the Enforcement Notice to rectify the unauthorised situation.

## 1.2 **Update: Land at Nepicar Farm, Wrotham Heath:**

- 1.2.1 It recently became apparent that this site was being used as a depot by a highway contractor causing a significant number of traffic movements by HGVs and that a number of associated structures had been erected on the land in connection with the use.
- 1.2.2 Inspections concluded that the use was causing clear harm to amenity and as such the site owners and the company operating from the site were served with Enforcement and Stop Notices. The Notices were served on 13 May 2016 and the use ceased immediately. Upon inspection on 16 May it was clear that all associated structures had also been removed from the site.

**FOR INFORMATION**