

Alleged Unauthorised Development
Addington 16/00112/USEH
Downs And Mereworth

Location: Stubblesdown London Road Addington West Malling Kent
ME19 5AL

1. Purpose of Report:

- 1.1 To report the unauthorised change of use of land from residential to a mixed use of residential and commercial car sales.

2. The Site:

- 2.1 The site is to the south of the A20 London Road with the main house set on a higher level to the road. The cars are displayed at the front of the site curtilage adjoining the highway.

3. Planning History:

- 3.1 None.

4. Alleged Unauthorised Development:

- 4.1 Without planning permission the change in use of land from residential to a mixed residential and car sales business.

5. Determining Issues:

- 5.1 A change of use of land or buildings requires planning permission if it constitutes a material change of use. There is no statutory definition of 'material change of use'; however, it is linked to the significance of a change and the resulting impact on the use of land and buildings. Whether a material change of use has taken place is a matter of fact and degree and this will be determined on the individual merits of a case.
- 5.2 The potential change of use of this site has been investigated on a number of occasions in connection with an alleged change in use for commercial car sales. On each of the previous occasions the owner has indicated that these car sales have been purely sold on a private basis and that no commercial car trade has been undertaken.
- 5.3 As part of the earlier investigations, in 2014 a Planning Contravention Notice was issued to establish if any commercial activity was being undertaken. At that time the owner once again indicated that the car sales were purely private and that no trade or business was operated from the property. At that time, the Council had no evidence to dispute that assertion and no further action could be taken.

- 5.4 The site has been investigated again more recently, and following further inspections and a meeting with the owner, it was determined that a material change of use of the property had occurred due to the fact that it was clear that the sale of vehicles from the land was clearly more than just on a private basis. At the time of inspection there were four vehicles displayed for sale. Over recent months the site has been inspected and the number of vehicles displayed for sale has remained at this level.
- 5.5 At this time, the owner stated that he had been dealing in second hand goods, and that commercial car sales had taken place from the site for more than 10 years and was therefore immune from any enforcement action; a starkly different position from that taken in 2014.
- 5.6 At this point in the investigation, officers made enquires with Kent Trading Standards who advised that the owner of the site had been registered at the address for business purposes but this registration had been from November 2008, meaning that the commercial use of the site is not immune from enforcement action under Section 191 of the Act.
- 5.7 The site is in the Green Belt and therefore Section 9 of the NPPF applies. Development within the Green Belt is inappropriate unless it specifically relates to one of the exceptions provided for within the NPPF. Changes of use of land are not listed as an exception and therefore amount to inappropriate development which is harmful by definition and for which very special circumstances must be demonstrated (paragraph 88 of the NPPF). In addition, I consider that the use of the land for car sales by virtue of the parking of potentially a high volume of cars on the land is harmful to the openness of the Green Belt in physical terms.
- 5.8 Paragraphs 18 and 19 of the NPPF support sustainable economic growth on which significant weight should be placed and Paragraph 28 also supports new development that would contribute to a strong rural economy. In principle, small businesses can be supported; however, I do not consider there to be any additional benefit to the local economy from the use in question sufficient to outweigh the harm arising from the use in question.
- 5.9 Policies CP24 of the TMBCS and SQ1 of the MDEDPD require development to be well designed and through its scale, density, layout, siting, character and appearance respect the site and its surroundings. It should also protect, conserve and where possible enhance the character and local distinctiveness of the area, including its setting in relation to the pattern of the settlement, roads and surrounding landscape.
- 5.10 The use of the site for car sales is clearly visible from the A20 when approaching the village of Addington and is considered to have an adverse impact on the appearance of the site. Accordingly, the development is harmful to the character and visual amenity of the area and therefore is contrary to policies CP24 of the TMBCS and policy SQ1 of the MDE DPD.

5.11 For the above reasons the above breach of planning control is considered to be contrary to the relevant provisions of the Development Plan and NPPF, and therefore it is recommended that enforcement action be taken to seek the cessation of the use.

6. Recommendation:

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

Contact: Richard Edmonds