

Alleged Unauthorised Development
Addington 15/00299/WORKH
Downs And Mereworth

Location: The Old Bakery (aka Jubilee Bungalow) London Road
Addington West Malling Kent ME19 5PL

1. Purpose of Report:

- 1.1 To report the unauthorised creation of a large area of hardstanding to the south of the property.
- 1.2 This report follows the refusal of retrospective planning permission (under delegated powers) for the development in question. Permission was refused for the following reasons:

- 1 *The proposal constitutes inappropriate development which by definition is harmful to the Green Belt. The Local Planning Authority does not consider that very special circumstances exist that would outweigh the harm from the development's inappropriateness and by loss of openness. The proposed development is contrary to Policy CP3 of the Tonbridge and Malling Borough Core Strategy 2007 and Paragraphs 80, 87, 88 and 90 of the National Planning Policy Framework (2012).*
- 2 *The proposal, due to the amount of hard surfacing, would have a detrimentally harmful effect on the character and visual amenity of the locality. The proposal is therefore contrary to policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document 2010 and paragraphs 17, 56, 60 and 64 of the National Planning Policy Framework 2012.*

2. The Site:

- 2.1 The site is within the Metropolitan Green Belt and a Water Catchment Area. The rear section of the site is within an Area of Archaeological Potential (AAP). London Road (A20) is a Classified Road.
- 2.2 The site is located on the south side of London Road (A20), about 140m to the east of St Vincents Lane, to the east of the settlement of Wrotham Heath. The site lies between the BMW car sales premises to the east and Endeavour Business Park to the west. The site adjoins National Rail land at the rear.
- 2.3 It is occupied by a bungalow (Jubilee Bungalow) and an antiques shop (Adpine Antiques) both set back about 25m from the London Road frontage and both under the ownership of the applicant with a shared curtilage. The family antiques business buys, sells and exchanges furniture and collectables. Storage, repair and restoration of furniture and antiques are also undertaken on the site.

3. Planning History (relevant):

TM/16/00763

Refuse

10 July 2016

Retrospective application for the construction and use of a hardstanding area to the rear of the commercial unit (Adpine Antiques) for storage purposes on the land at London Road

4. Alleged Unauthorised Development:

- 4.1 Without planning permission the creation of a large area of hardstanding to the south of the site.

5. Determining Issues:

- 5.1 The site is in the Green Belt and therefore Section 9 of the NPPF applies. Paragraph 90 advises that engineering operations are a certain form of development that is not inappropriate in the Green Belt provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land in Green Belt.
- 5.2 The engineered hard surfacing that has been constructed on the site (dark grey gravel) covers a substantial area at the rear of the site, including 300-400m² of access track along the western boundary and a flat terraced area of hardstanding of about 730m² at the rear of the site. The retrospective planning application submitted stated that the hardstanding area was intended to provide an additional storage area to accommodate the supply of furniture for the expanding business.
- 5.3 The significant amount of engineered hard surfacing constructed and the large amounts of furniture and other products that are likely to be stored on the hardstanding area would have a harmful effect on the openness of the site. The proposed development would therefore not preserve the openness of the Green Belt and, accordingly, the development amounts to inappropriate development.
- 5.4 Paragraph 87 of the NPPF advises that “as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.” Paragraph 88 follows by stating that “when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.
- 5.5 In refusing planning permission for the development, it was considered that ‘very special circumstances’ sufficient to outweigh the harm to the Green Belt do not exist. The development is therefore contrary to policy CP3 of the TMBCS and paragraphs 87-88 and 90 of the NPPF.

- 5.6 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.
- 5.7 The gravel hard surfacing/hardstanding that has been constructed is substantial in area and, although not overly visible from neighbouring properties, is considered to have an adverse impact on the appearance of the site which is otherwise open and grassed. 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.
- 5.8 As the planning application has been refused for the development for the reasons given above, it is recommended that enforcement action be taken to seek the removal of the unauthorised development and the restoration of the land to its former condition.
- 6. Recommendation:**
- 6.1 An Enforcement Notice **BE ISSUED** to seek the removal of the unauthorised hardstanding and the land restored to its former condition, the detailed wording of which to be agreed with the Director of Central Services.

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