

**Alleged Unauthorised Development**  
**Tonbridge**                      **16/00385/WORKM**  
Higham

Location:                      11 Barchester Way Tonbridge Kent TN10 4HP

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**1. Purpose of Report:**

1.1 To report the erection of an unauthorised structure situated within the front curtilage of 11 Barchester Way, Tonbridge.

**2. The Site:**

2.1 The property is a detached two-storey dwelling with an integral garage that lies within the urban confines of Tonbridge.

2.2 Barchester Way is characterised by open plan frontages with low level landscaping.

**3. Planning History:**

3.1 No relevant planning history.

**4. Alleged Unauthorised Development:**

4.1 Without the benefit of planning permission, the erection of a structure within the front curtilage of 11 Barchester Way, Tonbridge. It is understood that the structure is used to store a classic motor car.

4.2 Section 55 of the Town and Country Planning Act sets out the definition of development as meaning “*the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land*”. Although the building in question has an appearance of being a structure with a heavy canopy laid over it and therefore “tent like” in appearance, it has been engineered to be permanently affixed to the ground and therefore constitutes development within the meaning of Section 55.

**5. Determining Issues:**

5.1 TMBCS policy CP24 sets out the general criteria for all new development including a provision that development must respect the site and its surroundings and that it will not be permitted where it would be detrimental to the built environment and amenity of a locality. This is supported by policy SQ1 of the MDE DPD which states that all new development proposals should protect, conserve and where possible enhance:

- the character and local distinctiveness of the area including any historical and architectural interest and the prevailing level of tranquillity;

- the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views

5.2 I consider that the structure in situ, given its prominent position within a predominately open plan residential area and its particular appearance, represents an obtrusive feature within the street scene, causing visual harm to the appearance of the street and wider locality. As such, the development is contrary to the requirements of policies CP24 and SQ1 as set out above.

5.3 Although attempts have been made to engage with the owner of the property to seek removal of the structure through informal negotiations, these have been unsuccessful. At this time, I can see no obvious way to mitigate the harm arising from the building other than its removal from the site.

5.4 With this in mind, I recommend that it is necessary to seek authorisation from Members for the service of an Enforcement Notice requiring the removal of the unauthorised development.

## **6. Recommendation:**

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

Contact: Sam Chalmers-Stevens