

Alleged Unauthorised Development
Aylesford **16/00375/USEH**
Aylesford North And
Walderslade

Location: White Lodge 70 Chatham Road Aylesford Kent ME20 7EQ

1. Purpose of Report:

- 1.1 To report the unauthorised change of use of land and buildings to storage and business use.

2. The Site:

- 2.1 The site is to the west of the property known as White Lodge 70 Chatham Road, and is within the ownership of this property. The site has a road frontage to the eastern side of Kingswood Road. The land rises steeply up from Kingswood Road up to White Lodge. The site has a workshop building on it and there is a stable further back.

3. Planning History:

- 3.1 There have been a number of applications for works to the main house White Lodge, however for clarity this history relates to the outbuildings and surrounding land only.

TM/06/03893/FL Refuse 1 February 2007

Conversion of existing garage workshop to provide accommodation ancillary to the main house

TM/07/04164/FL Approved 4 July 2008

Conversion of existing garage workshop to gym and changing rooms

TM/07/04165/FL Refuse 15 January 2008

Tennis court

TM/09/00314/FL Approved 28 April 2009

Retrospective application for curved terrace (timber) to rear of existing dwelling

TM/09/01145/FL Refuse 1 June 2011

Change of use of land to domestic curtilage and addition of a tennis court and garden landscaping

TM/17/00754/FL

Refuse

12 May 2017

Replacement of existing workshop and stables with new detached house and associated parking.

4. Alleged Unauthorised Development:

- 4.1 Without planning permission a change of use of land and workshop building to a business use.

5. Determining Issues:

- 5.1 The Authority received information in October 2016 that the stocks of yellow piping had been brought onto the site in relation to the owners business. Following a site inspection it was apparent that there were numerous rolls of yellow pipework stored to the north of the workshop building.
- 5.2 The Authority has served a Planning Contravention Notice (PCN) on the owners of the site to seek clarity regarding the nature of the use of the site but no response was received. The owners did however state in support of their planning application TM/17/00754/FL for a dwelling on the site that the land had been used for many years in relation to the owners commercial business. This is contrary to the position given in the approval of the application to change the use of the garage workshop to a gym that was approved in 2008 which stated that the building was an ancillary domestic building. It therefore appears that the breach occurring relates to the use of a building and associated land for B8 purposes and that the unauthorised use is not immune from enforcement action at this time.
- 5.3 The site is outside any settlement confines as set out in the TMBCS and within the AONB. These designations mean that the area is subject to restrictive planning policies to control the type and nature of development that can occur.
- 5.4 With regard to the principle of the development the relevant policy is Policy CP14 of the TMBCS which covers development in countryside areas. This allows for the limited expansion of existing employment uses; development that is necessary for the purposes of agriculture or forestry; or any development for which a rural location is essential. The commercial use of the site does not fall within any of these categories and therefore conflicts with this policy.
- 5.5 In addition, the open storage of materials adversely impacts on the landscape quality of the AONB. The use is therefore also contrary to Policy CP7 of the TMBCS.
- 5.6 Consideration has been given as to whether there are any other material planning considerations which would override the above objections to the scheme but there

are no circumstances present which would lead to a conclusion that weigh in favour of the unauthorised development continuing.

5.7 For these reasons I consider that it is expedient to take enforcement action to seek the cessation of the change of use and the land returned to domestic use.

6. Recommendation:

An Enforcement Notice **BE ISSUED** to seek the cessation of the use and the removal of all external material stored on the land, the detailed wording of which to be agreed with the Director if Central Services.

Contact: Richard Edmonds