

TONBRIDGE & MALLING BOROUGH COUNCIL

AREA 3 PLANNING COMMITTEE

24 August 2017

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

Part 1- Public

Matters for Information

**ENFORCEMENT ACTION IN CONNECTION WITH DEVELOPMENT AT DITTON TANDOORI RESTAURANT, BRADBOURNE LANE, DITTON – UPDATE REPORT**

To update Members on enforcement action taken using emergency powers in connection with the development at the Ditton Tandoori Restaurant, Bradbourne Lane, Ditton.

**1.1 Introduction**

1.1.1 Enforcement investigations concerning the use of the car park associated with the Ditton Tandoori Restaurant as a car wash along with associated operational development to facilitate that use indicated that the activities and associated development did not have the benefit of planning permission. At the time the investigations were initiated, a planning application was submitted for the change of use and associated development, seeking to regularise the breach of planning control. At the time, it was noted that this submission followed a previous refusal of planning permission for the same use but sought to introduce mitigation measures to reduce the impact to nearby properties.

1.1.2 A Temporary Stop Notice was served requiring the use to cease for a period of 28 days to allow Officers to assess the planning application and in particular whether the mitigation put forward would make the development acceptable. The Temporary Stop Notice was complied with and the use itself has not recommenced since then.

1.1.3 At the end of the 28 day period, planning permission was refused for the following reason:

*“The use would, by reason of the proximity to residential properties, would result in unacceptable noise and disturbance to these properties, harmful to their residential amenities, which it has not been clearly demonstrated can be mitigated by appropriate conditions. This would consequently result in harm*

*to the residential amenities of the nearby properties which is contrary to policy CP24 of the Tonbridge and Malling Core Strategy 2007.”*

1.1.4 Given the specific grounds for the refusal of planning permission in this case, combined with the fact that the decision coincided with the end of the Temporary Stop Notice period, the decision was taken to use the emergency powers of the Director of Central Services to serve an Enforcement Notice requiring the removal of the unauthorised development put in place in order to facilitate the use of the land as a car wash. As there had been compliance with the Temporary Stop Notice and the use was not taking place it was not possible to include that as part of the Enforcement Notice. However, it should be noted that should the use recommence at any point, immediate steps would be taken to serve a further Notice addressing the use specifically.

1.1.5 The Enforcement Notice requires the following actions to be taken:

- Removal of the hoarding over 2m in height along the norther, southern and western boundaries of the site;
- Removal of the hoarding which incorporates the price list for car wash services on the southern boundary of the site and;
- Removal of the plastic screen installed within the site.

1.1.6 The Enforcement Notice was served on 21 July 2017. If no appeal is lodged by the developer, the Notice will become effective on 23 August 2017 with a period for compliance of one calendar month.

1.1.7 I can advise that, to date, no appeal has been lodged in respect of the decision to refuse planning permission or serve the Enforcement Notice.

**FOR INFORMATION**