

Alleged Unauthorised Development

Tonbridge
Trench

13/00182/USEM

559159 149036

Location: Garages Rear Of 37 Cedar Crescent Tonbridge Kent TN10
3QN

1. Purpose of Report:

1.1 To report the unauthorised change of use from residential garage to use for storage and distribution.

2. The Site:

2.1 The garage is situated in a row of garages with access off Cedar Crescent to the rear of a number of residential properties.

3. History:

3.1 There is no relevant planning history for this site.

4. Alleged Unauthorised Development:

4.1 Without planning permission, the unauthorised change of use from residential garage to a secure lockup used for the storage of equipment and tools.

5. Determining Issues:

5.1 The Borough Council received complaints that one of the garages within a block of garages was being used by Swale Heating for the storage of equipment and tools. This resulted in early morning and late evening vehicle movements to the garage by vans delivering and connecting items

5.2 On investigation, it was found that the garage was number 19 and following a Land Registry enquiry, it was established that the garage was in the ownership of Russet Homes. We wrote to Russet Homes requesting a site meeting so that the precise nature of the use could be established. They suggested we contact Swale Heating as they had rented the garage out to them.

5.3 Contact was made with Swale Heating and site meeting was held on 3 December 2013. It was confirmed that Swale Heating had used the garage for five years to store their equipment, tools and heaters. This arrangement had been in place since Swale Heating had been contracted to undertake repairs for Russet Homes. They confirmed that engineers visit the site every morning to collect equipment and materials.

- 5.4 The use of this domestic garage for storage and distribution is a change of use from a C3 domestic use to a B8 storage use. As a change of use had occurred, we invited a planning application in order to determine whether the use could be found to be acceptable in planning terms. To date no valid planning application has been submitted.
- 5.5 The use of the garages has given rise to complaints regarding early and late evening vehicle movements and disturbance whilst vans are loaded and unloaded. The use of the garage for a B8 use does not respect its surroundings and is contrary to policy CP24 of the Tonbridge and Malling Borough Framework Core Strategy 2007 and also contrary to policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010.
- 5.6 Should no enforcement action be taken this use will become lawful in five years time. Vehicle movements of commercial vans visiting the garage have been observed taking place before 0800hrs. I believe that it is expedient to take enforcement action to prevent the unauthorised B8 use which is giving rise to complaints regarding noise and disturbance to nearby residential properties.
- 6. Recommendation:**
- 6.1 An Enforcement Notice **BE ISSUED**, the detailed wording of which to be agreed with the Director of Central Services, requiring the cessation of the use of the garage for the storage of equipment, tools and heaters.

Contact: Richard Edmonds