

**East Malling & Larkfield TM/13/03793/FL  
East Malling**

**New gates to paddock and creation of a new access at 238 Wateringbury Road East Malling West Malling Kent ME19 6JD for Mr Dave Smith**

PC: EMLPC support the Council's recommendation to refuse planning permission for the reasons given and support for an Enforcement Notice. The development is out of keeping with this rural area and its lanes.

DPHEH: It is noted that the wording of the steps to be included in the Enforcement Notice should include the reinstatement of the hedge. It is therefore recommended that these words be included in the recommendation.

**AMEND RECOMMENDATION**

- 7.2 **An Enforcement Notice BE ISSUED, the detailed the wording of which to be agreed with the Director of Central Services, requiring the cessation of the use of the land for the storage of lorries, the removal of the access and gates and the removal of the hardcore hardstanding from the land and the reinstatement of the hedge.**
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Aylesford (A) TM/13/03147/OA  
Aylesford (B) TM/13/03275/CNA

**(A) Outline Application: Mixed-use development comprising up to 500 residential dwellings (including affordable homes), land safeguarded for an education facility and land safeguarded for a community centre. Provision of public open space (inc. children's play areas), associated infrastructure and necessary demolition and earthworks. The formation of 2 no. new vehicular accesses from Hermitage Lane and Howard Drive. All other matters reserved; (B) Consultation by Maidstone Borough Council: Mixed-use development comprising up to 500 residential dwellings (including affordable homes), land safeguarded for an education facility and land safeguarded for a community centre. Provision of public open space (inc. children's play areas), associated infrastructure and necessary demolition and earthworks. The formation of 2 no. new vehicular accesses from Hermitage Lane and Howard Drive. With access to be considered at this stage and all other matters reserved for future consideration at Land East Of Hermitage Lane Aylesford Kent for Croudace Strategic Ltd**

Private Reps: 2 further objections received to the overall development reiterating existing objections.

## **MY RECOMMENDATION IS UNCHANGED**

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### **Alleged Unauthorised Development**

**East Malling**                      **13/00028/WORKM**  
**East Malling**

#### **Ivy House Farm 42 Chapel Street East Malling West Malling Kent ME19 6AP**

Since the main report was drafted, and following receipt of further correspondence and a further inspection of the site, some additional matters have come to light. These facts have given rise to a need to give further consideration to the developments on the site which must now be re-examined to determine what action should be taken. There are also certain additional matters I wish to clarify.

I think it would best to deal with each aspect of the development separately.

#### **New Fence**

The recommendation to serve an Enforcement Notice requiring the reduction in height of the fence remains unchanged, but I should clarify that my intention is that the Enforcement Notice will not only bite against that part of the fence that runs broadly parallel to Chapel Street, but also to that part which runs away from the road at a right angle at the southern end of the site.

#### **Works to the Wall associated with the fence**

With regard to the works to this wall, in respect of which I have recommended that no enforcement action be taken, having given the matter further thought, it may be helpful to Members if I outline the extent to which enforcement action is possible.

As with the fence, before any such action is taken consideration must be given to the permitted development "fallback" position. As Members will appreciate from what I have said in the main report, this would allow for a wall no higher than 1m for those parts of the wall that are adjacent to the highway, and 2m elsewhere. On this basis, it would be possible to require a reduction in the height of the wall to 1m, *where adjacent to the highway*. This would, essentially, result in a profile as denoted by the removal of the area shown hatched on the photograph included as part of the main report. Whilst a wall in this, permitted development form, would, by definition, be permitted without the need for the Council's approval, it would, I believe, have an undesirable effect on the setting of the Conservation Area and views into and out from it because of its stark appearance and unorthodox shape. The approach recommended in the report is intended to assist in

visually blending the wall into that lower wall that runs outside the fence and parallel to the road. There are other options to achieve such a blending so as to avoid the stark permitted development option.

### **Works to the wall in front of the Listed Building**

Since the main report was written it has also become clear, thanks in no small part to a further approach from EMCG, that the owner has carried out work to the existing ragstone wall that separates the front garden of the house from Chapel Street. Unlike the wall discussed above, this wall lies within the curtilage of the Listed Building and before any new work is undertaken, other than a repair, Listed Building Consent should have been obtained from this Authority. As this wall is within the curtilage of the Listed Building, the permitted development rights described above do not apply and any material alteration to the wall would also require a specific planning permission. Further investigations will need to be carried out to establish, in detail, the full extent of the work that has been undertaken. However, it is clear that an extra course of stone has been added along the length of the wall, it appears to be a capping carried out in an endeavour to help prevent water ingress. It is accepted that the capping of the wall could be acceptable to prevent water ingress, but the way the work has been undertaken is not acceptable.

It also appears that around the arched pedestrian access within the wall the owner has added a layer of a thick capping material with jagged on-end pieces of ragstone placed within it. This work cannot be described as a repair and would require the benefit of Listed Building Consent. It is felt that had an application been forthcoming for this work such Consent would have been refused.

As no Consent has been given for the work I believe that it is appropriate to seek authority to serve a Listed Building Enforcement Notice seeking to remedy this breach of planning control.

### **Additional Recommendation**

**A Listed Building Enforcement Notice be issued, the detailed wording of which to be agreed with the Director of Central Services, and subject to him being satisfied as to the evidence of a breach of LB legislation) requiring the removal of the combination of capping material and dressed stone courses, together with end on ragstone pieces and their replacement with appropriate detailing of capping/waterproofing to be identified within the LBEN.**