
Ightham Ightham	558961 156153	24 April 2014	TM/14/01489/FL
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Proposal:	Use of land as hand car wash and associated canopy and storage container
Location:	Land Adjoining Ightham Farm Shop Sevenoaks Road Ightham Sevenoaks Kent
Applicant:	Mr Astriti Zholi

1. Description:

1.1 Members will recall that this item was deferred from the 13 August 2014 meeting of the Area 2 Planning Committee for the Chief Solicitor to submit a report under Part 2 of this Agenda to inform Members of the potential implications of non-determination or refusing planning permission for this development. Those potential reasons for refusal, as set out in my previous report, can be summarised as follows:

- The site lies within the Metropolitan Green Belt, where there is a strong presumption against inappropriate development. The proposed development constitutes inappropriate development, and there is considered to be no case of very special circumstances;
- The proposed erection of a canopy and container would be harmful to the countryside.

1.2 A copy of my previous main and supplementary reports is attached as an Annex to this report.

1.3 The applicant has also stated that he would be happy to accept a temporary planning permission, the cost of the infrastructure involved in the proposal would be in the region of £2,000, which he does not consider to be unreasonable, and in his opinion would meet the tests for planning conditions.

2. Determining Issues:

2.1 The implications of the postulated reasons for refusal of this planning application are discussed in Part 2 of this Agenda.

2.2 Paragraph 206 of the NPPF sets out the six tests for applying planning conditions, being where they are:

- Necessary;
- Relevant to planning and;
- To the development to be permitted;

- Enforceable;
- Precise and;
- Reasonable in all other respects.

2.3 Whilst the applicant suggests that he is happy to accept a temporary planning permission, the question here is whether the proposal is appropriate development. The NPPG states that a condition limiting the use to a temporary period only where the proposed development complies with the development plan, or where material considerations indicate otherwise that planning permission should be granted, will rarely pass the test of necessity. Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period. The circumstances of this particular application are not characteristic of any of the circumstances set out within the NPPG.

2.4 The applicant suggested at the August Area 2 Planning Committee that the proposed car wash was necessary to assist with viability of the farm shop. However, no additional evidence has been submitted by the applicant to substantiate this.

2.5 In legal terms, the *sui generis* nature of the car wash means that no change from the car wash can take place without the grant of planning permission by this Council (i.e. it would have to remain a car wash).

2.6 Since the time of the last site inspection, additional shop floor space for flower sales appears to have been created. There is no record of any planning permission granted for this, and therefore the Council is currently investigating whether this requires the benefit of a planning application. This does not directly relate to this application for a car wash.

3. Recommendation:

3.1 **Refuse Planning Permission** for the following:

Reasons

1. The site lies within the Metropolitan Green Belt where there is a strong presumption against permitting inappropriate development, as defined in paragraph 89 of the National Planning Policy Framework and Policy CP3 of the Tonbridge and Malling Borough Core Strategy 2007. The proposed development constitutes inappropriate development, and there is considered to be no case of very special circumstances and is therefore contrary to those policies.

2. Policies CP1, CP7 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Managing Development and Environment Development Plan 2010 aim to protect the local rural environment. The proposed erection of a canopy and container would be harmful to the visual amenities and rural character of the countryside and is therefore contrary to these policies.

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