

Alleged Unauthorised Development

**Addington
Downs**

13/00497/USEM

565956 159511

Location: The Caravan East Street Addington West Malling Kent ME19
5DH

1. Purpose of Report:

- 1.1 To report the unauthorised change in use from agricultural field to land used as open storage of vehicles, portable office units and associated paraphernalia.

2. The Site:

- 2.1 The site lies within the Metropolitan Green Belt, outside the settlement confines of Addington Village and within the Area of Outstanding Natural Beauty. To the south of the site lies a residential redevelopment of a former house and scrapyard that has been developed as The Willows with three detached four bedroom, two storey dwellings (TM/08/03218/FL).

3. Planning History:

TM/09/02237/OA	Refuse	10 December 2009
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Outline application for four detached houses and associated garages with all matters reserved

TM/10/00961/OA	Refuse	23 June 2010
	Dismissed on appeal	27 June 2011

Outline Application: Proposed 3 x 3 bedroom detached houses and associated detached garages

TM/14/01062/LDE	Refuse	3 December 2014
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Lawful Development Certificate Existing: Use of land as scrapyard with associated workshop

4. Alleged Unauthorised Development:

- 4.1 The unauthorised change in use of the land from agricultural field to land used as open storage of vehicles, portable office units and associated paraphernalia.

5. Determining Issues:

- 5.1 Following refusal of the Lawful Development Certificate (Existing Use) in December 2014 (summarised above), it appears that the use of the site as scrapyards with the associated storage of vehicles, portable office units and associated paraphernalia is continuing. If the Local Planning Authority does not take action to seek the cessation of the use, it may become lawful, due to the duration of the use, in the near future.
- 5.2 Although the decision has recently been taken to refuse to certify that the use of the entire site for such purposes has become lawful, it is considered that a very small area might benefit from an established use based on the evidence that was examined during the assessment of that submission. In other words, evidence suggests that part of the site has been used for such purposes for a continual period in excess of 10 years and as such the use of that area has become 'lawful' in planning terms. It is, therefore, proposed that the enforcement action needs to take effect against the use of the remainder of the site. Officers are currently undertaking a detailed survey of the site with a view to providing a comprehensive plan denoting this situation as part of a Supplementary Report.
- 5.3 The site falls within the Metropolitan Green Belt where there is a presumption against inappropriate development unless very special circumstances can be demonstrated that outweigh the degree of harm caused by the development's inappropriateness and any other harm. The current use of the land is inappropriate by definition as it does not fall within any of the exceptions set out in paragraphs 89 and 90 of the NPPF and as such is considered to be harmful by definition. Furthermore, the nature of the use, particularly the storage of vehicles and associated structures ancillary to the commercial use, causes overt harm to the open function and nature of the Metropolitan Green Belt. The development is, therefore, contrary to paragraphs 87 - 90 of the National Planning Policy Framework ("NPPF") and to policies CP1, CP3, CP14 of the TMBCS 2007.
- 5.4 The site lies within the North Downs AONB. Paragraph 115 of the NPPF requires the LPA to give "great weight" to conserving landscape and scenic beauty in such areas. Policy CP7 of the TMBCS states that development will not be permitted within the AONB which would be detrimental to the natural beauty and quiet enjoyment of the AONB, including landscape, wildlife and geological interest other than in specified exceptional circumstances. The current unauthorised use of the site forms an intrusive feature within the landscape and harms the appearance of the area by way of the introduction of an unacceptable use with the landscape. For this reason, the current use has a detrimental effect on the landscape value of this area by virtue of its urban and unsightly appearance and is contrary to the requirements of paragraph 115 of the NPPF and policy CP7 of the TMBCS.
- 5.5 To prevent a lawful use being established on the whole site and to prevent the ongoing harm caused by the unacceptable use that is occurring, it is considered to be expedient to take enforcement action to seek the cessation of this unauthorised use and for the removal of all associated portable office units and paraphernalia.

6. Recommendation:

- 6.1 An Enforcement Notice **BE ISSUED** seeking the cessation of the use of the site for open storage, removal of all vehicles or parts of vehicle and all associated paraphernalia, the removal of any portable office units, the detailed wording of which to be agreed with the Director of Central Services.

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