

Alleged Unauthorised Development

**East Malling &
Larkfield**
East Malling

15/00037/COH

569127 156972

Location: Orchard Farm Well Street East Malling West Malling Kent
ME19 6JW

1. Purpose of Report:

- 1.1 To report the unauthorised erection of six floodlighting columns which are approximately 3m high around an outdoor sand school without the benefit of planning permission.

2. The Site:

- 2.1 The site is predominantly open grassland that slopes down towards the north. The land was previously laid to orchard; however the trees have since been removed to create open grazing land. The wider area is characterised by areas of orchard and open grassland. To the east of the site is a belt of conifers that separate the site from the adjacent mobile home which is subject to a separate application TM/11/02655/FL which is still pending consideration.

3. Planning History (relevant):

- 3.1 There is a long planning history connected to this site but the most relevant in this case is:

TM/11/03558/FL

Construction of stables and outdoor sand school
Approved 19 April 2012.

4. Alleged Unauthorised Development:

- 4.1 Without planning permission the erection of six floodlights around an outdoor sand school.

5. Determining Issues:

- 5.1 It is accepted that the use of the site for private equestrian purposes including the provision of stables and sand school has been established through the grant of planning permission TM/11/03558/FL. However, it does not follow that the introduction of associated development will automatically be acceptable. Instead, such development must be assessed against the relevant governing policies.

- 5.2 The site lies outside the village confines of East Malling where development must be assessed against the criteria set out in policy CP14 of the TMBCS. The policy does allow development within the countryside but this is restricted to allow for (amongst others) open recreation uses together with associated essential built infrastructure, where appropriate. Generally, policy CP24 sets out requirements for any new development, and states that new development must be well designed and of a high quality and must be designed to respect the site and its surroundings. More specifically, policy DC4 of the MDE DPD relates to equestrian related development, stating that planning permission will be granted for such development provided a number of criteria are met including a requirement that there would be no adverse impact on amenity and environmental quality or residential or other sensitive uses due to (inter alia) lighting.
- 5.3 The floodlights have an intrusive impact on the rural landscape and cause visual harm to the rural amenities of the locality, to the detriment of the general environmental quality of the area, contrary to the requirements of the policies outlined above.
- 5.4 Furthermore, as recognised in the MDE DPD, insensitive artificial lighting can have a harmful impact on the appearance of the countryside and the sky at night. It is noted that the floodlights consist of metal (possibly scaffold) poles attached by brackets to the perimeter fencing of the sand school with a small headlamp attached at the top. It is possible for equestrian based facilities to be served by floodlights which are appropriate in scale and design as the lights can be specifically designed and angled to concentrate light and avoid any light spill. The way in which these lights have been installed does not allow for this, which contributes to the impact on the rural amenities of the locality when the lights are switched on. The owner of the site has indicated on an informal, verbal basis that he intends to remove the floodlights by the end of March 2015 but in order to ensure that we can secure this position, in light of the harm caused by the floodlights, we are requesting that the Committee endorses the serving of an Enforcement Notice should they not be removed at the end of March as suggested by the applicant.
- 5.5 For the above reason I feel it is appropriate to take enforcement action should the owner not remove the unauthorised development by 31 March 2015.

6. Recommendation:

- 6.1 An Enforcement Notice BE ISSUED, the detailed wording of which to be agreed with the Director of Central Services to require the removal of the floodlights from the perimeter of the sand school.

Contact: Richard Edmonds