

Alleged Unauthorised Development

Wrotham

14/00352/WORKM

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Wrotham

Location: Little Nepicar London Road Wrotham Sevenoaks Kent TN15
7RR

1. Purpose of Report:

- 1.1 To report the unauthorised erection of timber sectional building used as a one bedroom annex following the refusal of planning permission under reference TM/14/04076/FL, which was considered on a retrospective basis.

2. The Site:

- 2.1 Little Nepicar is located on the northern side of the London Road (A20). The application site as identified by planning application TM/14/04076/FL comprises the main residential dwelling (Little Nepicar), a substantial six bedroom detached dwelling and an ancillary building (The Old Coach House) which is currently used as office space by the applicant in connection with her business. The site lies within the Metropolitan Green Belt.

3. Planning History:

TM/03/00205/FL Grant With Conditions 14 May 2003

Demolition of existing building and construction of two storey side extension (amended scheme to that submitted under planning ref. TM/02/01356/FL)

TM/03/03540/FL Grant With Conditions 6 January 2004

Proposed change of use of existing coach house to form new 3 bedroom accommodation

TM/05/00392/FL Application Withdrawn 15 April 2005

Relocation of existing Coach House

TM/05/02062/FL Refuse 21 September 2005

Relocation of Coach House and conversion to 3 bedroom dwelling

TM/05/03291/FL Refuse 9 January 2006

Extension to rear of existing house

TM/06/00871/FL Grant With Conditions 16 June 2006

Change of use of coach house adjacent to Little Nepicar to B1 office use

TM/08/01093/FL Refuse 22 May 2008

Two storey rear and single storey side extension

TM/08/02672/FL Approved 12 November 2008

Two storey rear and single storey side extension (resubmission of planning application TM/08/01093/FL)

TM/11/03006/FLX Approved 15 December 2011

Renewal of planning permission TM/08/02672/FL (Two storey rear and single storey side extension (resubmission of planning application TM/08/01093/FL))

TM/14/04076/FL Refused 13 March 2015

Retrospective planning application for retention of a detached timber cabin to be used as a 1 bedroom granny annexe

4. Alleged Unauthorised Development:

- 4.1 The unauthorised erection of a timber sectional building used as a one bedroom annex.

5. Determining Issues:

- 5.1 The site lies within the MGB, where restrictive policies apply. The NPPF states (in paragraph 89) that the construction of new buildings is inappropriate development. Exceptions to this include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building, or the replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces. The relevant exceptions set out in the NPPF do not apply, in this instance, since the timber cabin now in situ is a new self-contained annex building and does not extend an existing building nor

replace a previous building. It is, therefore, considered to be inappropriate development which is by definition harmful to the Green Belt. The NPPF states that inappropriate development should not be approved except in very special circumstances (paragraph 87). It goes on to state that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (paragraph 88).

- 5.2 The building is a substantial detached self-contained one bedroom annex, situated some considerable distance (circa. 40m) from the main dwelling house (Little Nepicar). It is large in its scale, with an internal floor area of just over 70 sq. metres and a roof ridge height of 3.79m. This annex building which is now fully constructed undoubtedly has a material impact on levels of openness within the Green Belt. Furthermore, on the basis of the annex building being located some considerable distance from the main dwelling house, the building results in an incremental spread in footprint/built form across the site which is harmful to the open character and functioning of the Green Belt. In reaching this view, regard was had to the existing built development which already exists within the domestic curtilage; in this instance this comprises of the main substantial dwelling house, a detached office building, a multiple bay detached garage and a hard surfaced tennis court. Whilst the overall site does not feel cramped by any means, owing to its substantial plot, the property has benefited from a considerable amount of built development within its Green Belt/AONB location in the past.
- 5.3 The view was therefore taken that the annex building is, by definition, inappropriate development and by virtue of its overall scale, bulk and location within the site would be demonstrably harmful to the openness of the Green Belt. No very special circumstances were identified that outweighed this identified harm.
- 5.4 TMBCS Policy CP14 restricts development within the countryside to a number of circumstances. The self-contained annex, which represents a functionally separate new dwelling within the countryside, does not meet one of the certain types of development restricted to the countryside location and is therefore contrary to this policy.
- 5.5 TMBCS Policy CP7 and paragraph 115 of the NPPF relate to development proposals within the AONB. The NPPF states that great weight should be given to conserving landscape and scenic beauty in the AONB, which have the highest status of protection in these respects. The view was taken that the timber cabin is harmful to the wider landscape character by virtue of its overall scale, bulk, proposed use and location and therefore contrary to these policies.
- 5.6 With these policies and detailed assessment in mind, planning permission was refused for the building in question under delegated powers 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 the National Planning Policy Framework 2012 and Policy CP3 of the Tonbridge and Malling Borough Core*

Strategy 2007. The retrospective self-contained annex building constitutes inappropriate development and there are no very special circumstances that outweigh the harm to the Green Belt caused by this inappropriateness and loss of openness. The development is, therefore, contrary to Policy CP3 of the Tonbridge and Malling Borough Core Strategy 2007 and also current Government guidance contained within paragraphs 87-89 of the National Planning Policy Framework 2012.

- 2 *The self-contained annex building results in a functionally separate new dwelling in the countryside, which does not fall into any categories of appropriate development in the countryside. As such the proposal is contrary to Policy CP14 of the Tonbridge and Malling Core Strategy 2007.*
- 3 *The self-contained annex building is harmful to the landscape character of the Kent Downs Area of Outstanding Natural Beauty by virtue of its overall scale, bulk and location, and is therefore contrary to the requirements of Policy CP7 of the Tonbridge & Malling Borough Core Strategy 2007 and the current Government guidance contained in paragraph 115 of the National Planning Policy Framework 2012.*
- 5.7 I appreciate that the works must have been undertaken at some expense to the applicant but their acceptability ultimately rests on their appropriateness for the specific location. For the reasons cited above, I do not consider this to be the case.
- 5.8 In light of these considerations and the recent refusal of planning permission, it is necessary to consider whether it is expedient to take enforcement action against the unauthorised works and, if so, what form that action should take. Given the preceding assessment and the harm identified, I cannot see any way in which the impacts of the building could be reduced by compensatory measures and as such I recommend that an Enforcement Notice should require the removal of the building. I consider that the degree and specific nature of the harm that has been caused by the unauthorised development sufficiently justifies the service of an Enforcement Notice to this effect.
- 5.9 It should be recognised that the applicants do still have a right to appeal against the refusal of planning permission (three months from the date of the decision on 13 March 2015). However, it is considered expedient in these circumstances to continue progressing with the enforcement action as described. In the event that the applicants lodge an appeal, they would have the right to also appeal the Notice itself and any further enforcement action would be held in abeyance pending the outcome of the appeal. In light of the consideration set out above it is considered expedient to pursue Enforcement action at this time.

6. Recommendation:

- 6.1 An Enforcement Notice **BE ISSUED** to seek the removal of the unauthorised building, the detailed wording of which to be agreed with the Director of Central Services.

Contact: Richard Edmonds