

Item 15 Pages 15-36

Caravan 2, Hawthorn Farm, Pye  
Corner, Ulcombe

Ref: 17/502714/FULL

**Adjourned Meeting 04/01/18**

Ulcombe Parish Council

The Parish Council refers to a High Court Injunction of 2005 and the Enforcement Notice of 2006 which applies to the site.

Officer Comment

The enforcement notice relates to land that includes the application site (notice enclosed). It was served due to visual harm caused by a breach of planning control in 2006, being the existing G&T site to the east of the application site. Since that time, permission was granted for that G&T site at Planning Committee in 2009 under application 09/0208.

Clearly, circumstances have changed since 2006 including the granting of permission to the east of the site, and changes in national and local policy, including the allocation of the adjoining site in the new Local Plan and policy DM15.

Whilst the enforcement notice is a consideration, the decision must be based on the current situation on the ground, and current policy and guidance, and this does not alter the conclusions of the main report that the proposed development is considered to be acceptable.

Specific details of the injunction are not available but again this does not affect officer's recommendation.

**RECOMMENDATION**

Recommendation remains unchanged

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**  
**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED BY THE**  
**PLANNING AND COMPENSATION ACT 1991)**

**ENFORCEMENT NOTICE 'A'**

**ISSUED BY: MAIDSTONE BOROUGH COUNCIL**

1. **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to it that there has been a breach of planning control under Section 171A(1)(a) of the above Act, at the land described below. It considers that it is expedient to issue this notice, having regard to the provisions of the Development Plan and to other material planning considerations.

2. **THE LAND AFFECTED**

The land at Hawthorn Farm, Pye Corner, Ulcombe shown edged red on the attached plan.

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

Without planning permission, the change of use of land from agriculture to a mixed use of agriculture and the stationing of caravans.

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last ten years. The unauthorised development has an unacceptable visual impact on the character and appearance of the countryside and surrounding rural area, and results in demonstrable harm to the scenic quality and distinctive character of the designated Special Landscape Area, to the detriment of and causing harm to visual amenity.

The unauthorised development is contrary to Policy ENV1, ENV2, ENV4, S1, S2, RS1 and RS5 of the Kent Structure Plan, Policies SP1, SS7, E1, E3, E5 and QL1 of the Kent and Medway Deposit Structure Plan 2003, and Policies ENV28 and ENV34 of the Maidstone Borough Wide Local Plan 2000. The Council do not consider that planning permission should be given, because planning conditions could not overcome these problems.

5. **WHAT YOU ARE REQUIRED TO DO**

- (i) Stop using the land for the stationing of caravans

Time for compliance: One month after this Notice takes effect



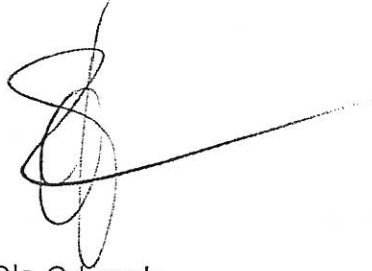
- (ii) Permanently remove from the land all caravans and mobile homes

Time for compliance: One month after this Notice takes effect

6. **WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on 24 July 2006 unless an appeal is made against it beforehand.

Dated: 19 June 2006

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Signed:

Ola Oduwole  
Legal Services Manager

On behalf of:

Maidstone Borough Council  
London House  
5-11 London Road  
Maidstone  
Kent ME16 8HR

Ref: LEG06/00270

## NOTES

### YOUR RIGHT OF APPEAL

You can appeal against this Notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before the date specified in paragraph 6 of the Notice. The enclosed booklet "ENFORCEMENT APPEALS – A Guide to Procedure" sets out your rights. You may use the enclosed appeal forms.

- (a) One is for you to send to the Secretary of State if you decide to appeal, together with a copy of this Enforcement Notice.
- (b) Send the second copy of the appeal form and Notice to the Council at:-

Legal Services  
Maidstone Borough Council  
London House  
5-11 London Road  
Maidstone  
Kent ME16 8HR

- (c) The third copy is for your own records.
- (d) Please note that a separate appeal form must be completed for each individual person or organisation.
- (e) A new internet-based service is now available that you can use to submit your appeal/view evidence and submit your comments and to check the progress of this case.

(Either) You can submit your appeal on line at:

<http://www.planningportal.gov.uk/england/genpub/en/1102936775943/html>

(or) You can search for and comment on cases online at:

<http://www.planningportal.gov.uk/england/genpub/en/1102936775950.html>

You can access this case by putting the above reference number into the "Case Ref" field of the "Search" page and clicking on the search button at the bottom.

## WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this Enforcement Notice, it will take effect on the date specified in paragraph 6 of the Notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in the Notice. Failure to comply with an Enforcement Notice which has taken effect can result in prosecution and/or remedial action by the Council. It can also result in the Council doing the work itself and then recovering the cost of doing so from you.

## FEES

Under Regulation 10 of the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989 two fees are payable on the deemed application for planning permission under Section 174(2)(a) of the 1990 Act. Should you appeal and cite Section 174(2)(a) then the fees payable are as follows:

- £265.00** Made payable to '*Maidstone Borough Council*' and sent with a copy of your appeal to Maidstone Borough Council, Legal Services Section, London House, 5-11 London Road, Maidstone, Kent ME16 8HR.
  
- £265.00** Made payable to '*The Office of the Deputy Prime Minister*' and sent with your appeal to The Planning Inspectorate, P. O. Box 326, Bristol BS99 7XF.

# THE MAIDSTONE BOROUGH COUNCIL

## PLAN REFERRED TO IN ENFORCEMENT NOTICE 'A'

EXTRACT FROM O.S. MAP TQ 8547-8548

REFERENCE ENR/7876

HAWTHORN FARM, PYE CORNER,  
ULCOMBE



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Head of Regulatory Services