APPENDIX 1

CIRCULATED BEFORE THE MEETING

REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE

to
SOUTH EASTERN AREA PLANNING COMMITTEE
28 June 2023

MEMBERS' UPDATE

AGENDA ITEM NO. 6

Application Number	**23/00076/FUL**
Location	Land North West of Riversleigh, Nipsells Chase, Mayland
Proposal	Change of use from agricultural building to 2 bedroom bungalow (C3 Use) and alterations to fenestration
Applicant	Mr & Mrs Kenny Paton
Agent	None
Target Decision Date	13.04.2023
Case Officer	Devan Hearnah
Parish	**MAYLAND**
Reason for Referral to the Committee / Council	Member of the Council

Since the meeting held on the 23rd May 2023 in which this application was deferred, the Council has issued an Enforcement Notice against the breach set out within the Committee Report. The Enforcement Notice was served on the 15th June 2023.

Prior to the Enforcement Notice being issued, the Applicant advised Officers that remedial works had been undertaken to the interior of the building in an attempt to remove the internal features that were not included within the original planning permission. The remedial works were undertaken without an admission of a breach of planning control. On receipt of this information the Councils Enforcement Officers undertook a site visit on the 14th June to inspect the changes. As part of the site visit it was observed that although some works had been carried out to the interior of the building, the residential character was still apparent. Examples of this include, skirting boards, window cills, spotlights, plastered walls, wooden flooring in parts and a wall remaining which did not form part of the original layout. The matters relating to things such as the degree of insulation, as discussed at paragraph 5.1.6 of the main report, also still apply. As such, Officers maintain the position that the building is of a residential rather than agricultural use.

Notwithstanding the above, as set out in the main report, the building constructed was not an 'apple storage barn'. As such, even if the building were now to appear to be of an agricultural appearance (the inference in the applicants removal of some fixtures and fittings as above are that the building is now an agricultural building….officers clearly have the opposite view that the works do not go anyway far enough to be consistent with the approved agricultural barn details and this does not set aside the use issue) there is no extant permission that permits the erection of the building at the site. Therefore, the building as constructed represents

unauthorised development. Consequently, the alterations to the building as discussed above do not have a material impact on the previous assessment of the application and the Officers recommendation for refusal for the reason given in the Committee Report still applies.