



IN ASSOCIATION WITH



SUPPORTING PLANNING STATEMENT

Land adj 9 Eldon Way, Paddock Wood, TN12 6BE

March 2024

SUPPORTING PLANNING STATEMENT

In support of an application for the
**Lawful Development Certificate (Proposed) for a temporary site office and welfare
Portakabin unit for the duration of the construction of the permanent
office/servicing facilities approved under application 22/03398/FULL.**

at

**Land adj 9 Eldon Way,
Paddock Wood,
TN12 6BE**

On behalf of

Mrs. R Kenworthy

ISSUE DATE / REVISION	COPY REVIEWED BY	DATE COPY HAS BEEN REVIEWED
Supporting Statement v.1	BY	11/03/2024

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1. Introduction

- 1.1. This Supporting Statement has been prepared for our client, Mrs. R Kenworthy, in support of an application for a Certificate of Lawfulness for a Proposed Use under Section 192 of the Town & Country Planning Act (as amended) for the siting of a temporary site office and welfare Portakabin for the duration of the construction of the permanent office/servicing facilities approved under application 22/03398/FULL.
- 1.2. The evidence to support the application is based on the premise that the proposed use would be lawful because it would fall under the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, PART 4, Class A - temporary buildings and structures.
- 1.3. This submission is to be read in conjunction with the following submitted plans and supporting documents, as shown within Table 1.

REPORT / PLAN	SCALE	CONSULTANT	DRAWING No. / DATE
Site Location Plan	1:1,250	Bloomfields	P.3261.010.A
Existing Block Plan	1:500	Bloomfields	P.3261.020.A
Proposed Block Plan	1:500	Bloomfields	P.3261.030.A
Floor Plan	1:35	Portakabin	OPP1317642 Rev A
Elevations	1:45	Portakabin	OPP1317642 Rev A
Specification Plan- Materials and Installation	Not scaled	Portakabin	DQ2674 Rev D

Table 1: Supporting plans and documents

2. Site Description

- 2.1. The site, subject to this application, is a triangular piece of land, of approximately 0.33 hectares, located within the built-up confines of Paddock Wood. It is currently used as the overflow parking area for Ton Tyre (Auto) Ltd, which provides short and long-term hire vehicles under their 'Ton Hire' banner.

- 2.2. The site is located immediately north of the railway line and forms a corner plot sandwiched between Eldon Way and Maidstone Road. It adjoins the Paddock Wood Key Employment Area on its western boundary which is home to several light and general industrial businesses, including the head offices of Ton Tyre (Auto) Ltd which is located at 9 Eldon Way.
- 2.3. The site is predominantly tarmac with a flat and level topography, it has been marked with vehicular parking bays. It is accessed via Maidstone Road, with a single access point on the northern end which leads to a recessed gated access.
- 2.4. The site is bounded by chain link fencing, but this is well screened in places, on its southern boundary with the railway line and the Maidstone Road eastern boundary, with tall trees and hedgerows.
- 2.5. The site is partially Flood Zones 2 and 3, primarily on the western and northern sections. There are no other site constraints.

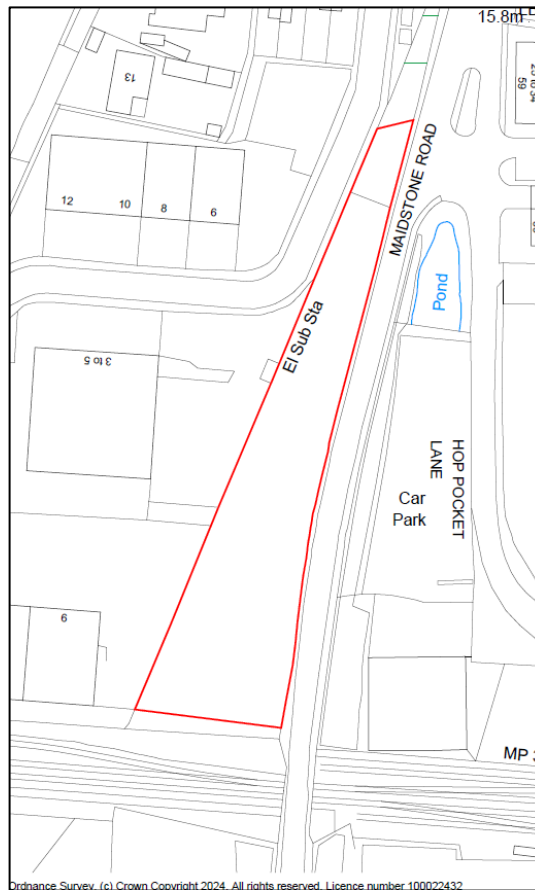


Figure 1: Site Location Plan



Figure 2: Aerial Photograph

3. Proposal

- 3.1. This application seeks to site a temporary 12.12 x 3.91 x 2.5 m Portakabin on the site, with a floor area of 44.32 sq.m. The Portakabin will be used to oversee the build of the permanent office facilities and will be used as a construction site office and welfare suite for the duration of the build-out of the permanent office and servicing facilities approved under application 22/03398/FULL.
- 3.2. This proposal seeks to locate and site the Portakabin within the redline boundary of the application 22/03398, with the temporary site office/welfare suite being located to the north of the approved office and servicing building, as shown within **Figure 3**.
- 3.3. The proposed Portakabin building, as shown within **Figure 4**, has all the services that would be required to support the construction site office and welfare use. It will have an open plan office area/staff area, small kitchenette and a single toilet.

- 3.4. The external elevations will have a Goosewing grey exterior finish, with a glazed door and window entrance area in a dark grey anthracite colour.
- 3.5. A specification drawing (DQ2674 Rev D) has been provided which sets out the proposed materials and installation specification of the Portakabin.

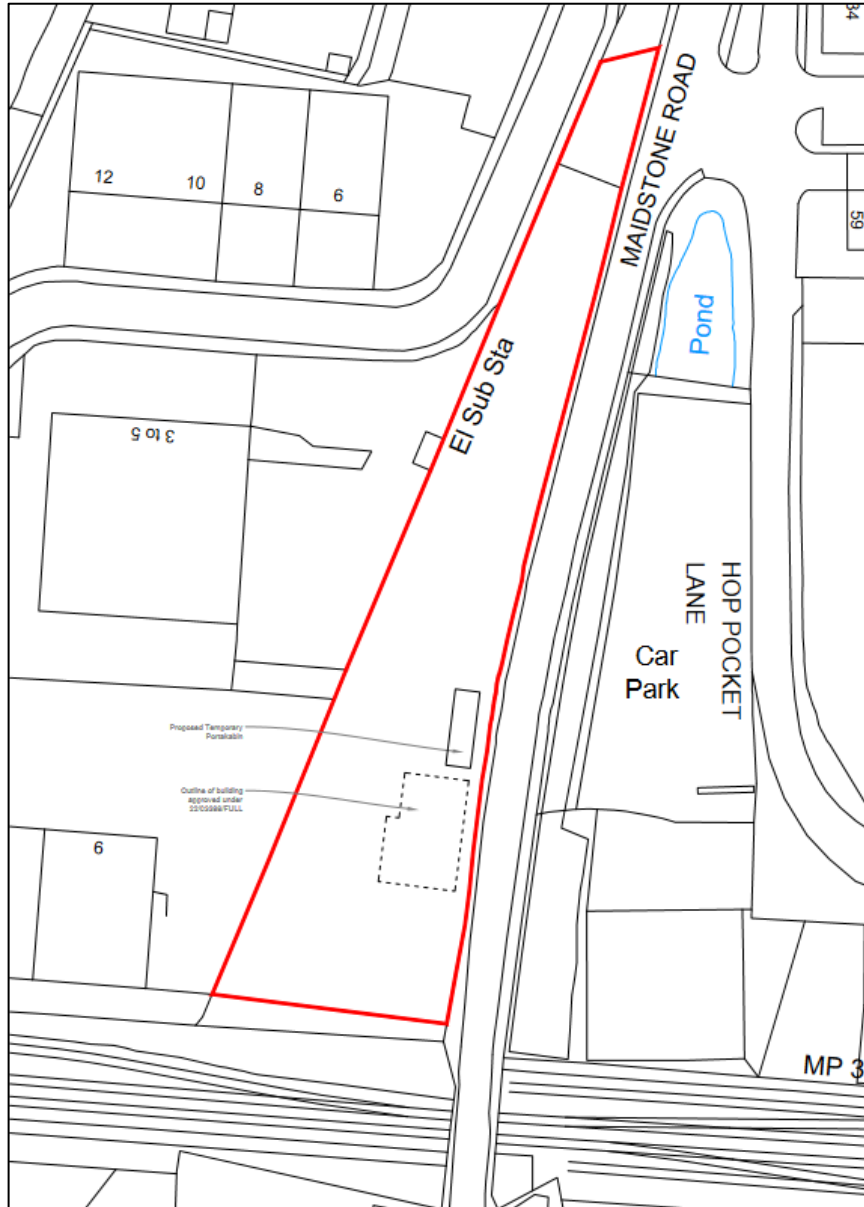


Figure 4: Proposed Portakabin layout

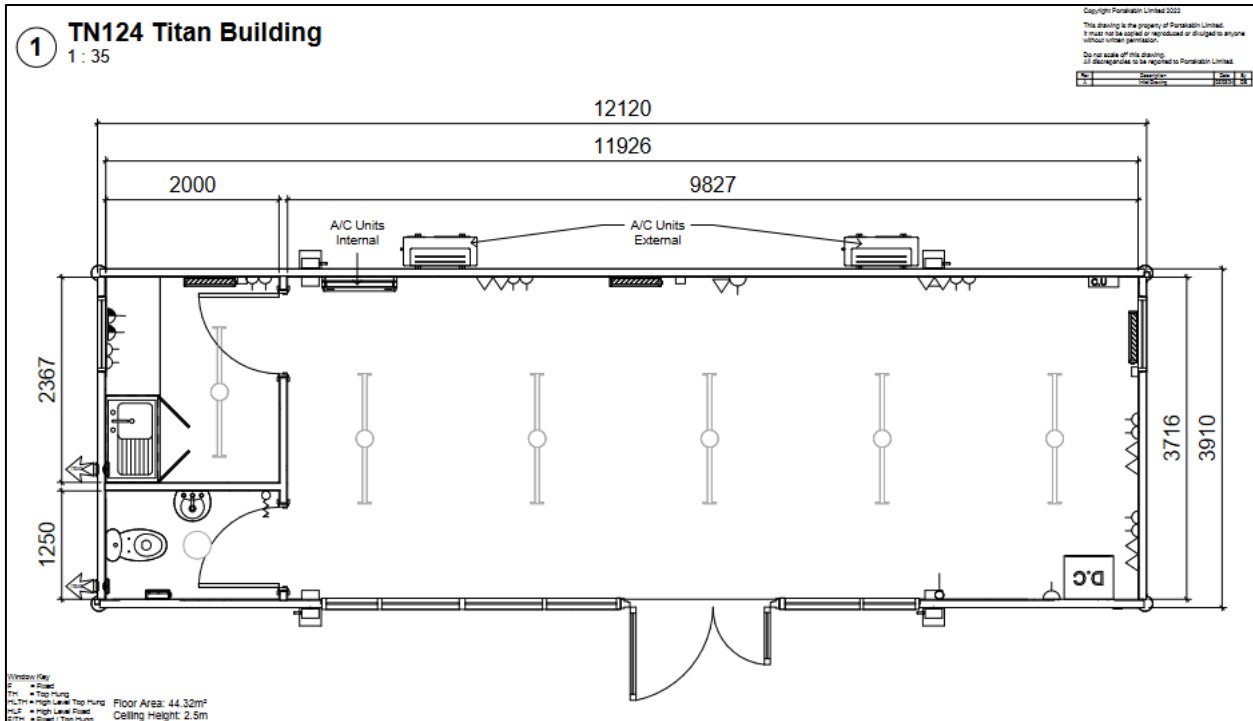


Figure 4: Proposed Portakabin layout

4. Planning History

- 4.1. The site has an extensive planning history, which has mainly derived from its location adjoining the Paddock Wood Key Employment Area. The site has fallen within the wider site boundary of several neighbouring employment planning applications since the early 1970s.
- 4.2. However, this Lawful Development Certificate application specifically relates to the most recent application on the site, 22/03398/FULL, which was granted permission on the 1st of June 2023.
- 4.3. This application sought the erection of a two-storey office and servicing facility on the site. In accordance with the Design and Access statement (December, 2020, paragraph 3.2), which supported the application. The proposal was to “relocate the existing Ton Hire business premise to provide a new service facility and accompanying office facilities. The site will provide access and onsite parking for visitors/customers as well as maintaining an element of its existing purpose as a carpark for the hire vehicles”.

- 4.4. The applicants are keen to still deliver this application and are seeking this temporary permission for a Portakabin to support the build-out of the permanent office facilities whilst they are under construction.
- 4.5. The historical planning history of the site is as follows:
- 74/09053 Proposal: Demolition of existing warehouse and cold stores and construction of new warehouse buildings, covered area. *Refused: 01/01/74.*
 - 76/00968 Proposal: New warehouse and cold storage. *Approved: 01/04/77.*
 - 77/00725 Proposal: 3 light industrial units and 7 warehouses to replace existing obsolete warehouses. *Approved: 26/10/77.*
 - 78/01045 Proposal: Temporary use of land for parking of school coaches. *Refused: 22/12/78.*
 - 01/01321/OUT Proposal: Outline (Means of access not reserved) use as car parking, admin, cleaning and maintenance building. *Refused: 11/02/02.*
 - 02/01236/OUT: Outline (means of access not reserved) - Change of use of rail track storage and service area to secure overflow parking area to no. 9 Eldon Way. *Withdrawn: 27/09/02.*
 - 03/00786/FUL: Change of use of Rail track storage and service area to secure overflow parking area to no. 9 Eldon Way. *Application Permitted: 28/05/03.*
 - 03/01684/FUL: Variation of condition 9 of permission TW/03/00786 to allow use from 0600-2359, 7 days a week. *Application Permitted: 12/09/03.*
 - 03/03097/FUL: Variation of condition 8 - to allow use of premises 0600-21.30, 7 days per week (TW/77/0725 refers). *Application Permitted: 27/04/04.*
 - 05/02877/FUL: Variation of conditions 2 & 5 of TW/03/00786 to reflect current layout: Vehicle parking shall be restricted to the marked spaces shown on the approved drawing only and no parking shall take place anywhere else on the site outside of these areas. Modified landscaping scheme. *Application Permitted: 04/07/06.*

- 06/02175/CEU Certificate of Lawful Development Proposed - Installation of 5000 litre diesel fuel storage tank. *Application Permitted: 15/09/06.*

5. Planning Policy and Justification

5.1. Section 192 of the Town and Country Planning Act (as amended) states:

(1) If any person wishes to ascertain whether—

a. any proposed use of buildings or other land; or

b. any operations proposed to be carried out in, on, over or under land,

would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.

(2) If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

(3) A certificate under this section shall—

a. specify the land to which it relates;

b. describe the use or operations in question (in the case of any use falling within one of the classes specified in an order under section 55(2)(f), identifying it by reference to that class);

c. give the reasons for determining the use or operations to be lawful; and

d. specify the date of the application for the certificate.

(4) The lawfulness of any use or operations for which a certificate is in force under this section shall be conclusively presumed unless there is a material change, before the use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness.

- 5.2. This statement provides details that the proposal to site a temporary Portakabin building, which would serve as a construction site office/welfare suite would constitute a lawful use because it would fall under the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 5.3. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows for the provision of temporary buildings and structures under Schedule 2, Part 4, Class A.
- 5.4. This Permitted Development (PD) right allows for the *“provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land”*.
- 5.5. The Town and Country Planning Act 1990, Section 55(1) defines operational development as: the carrying out of building, engineering, mining, or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land. Therefore, any activity that involves physical changes to the land or buildings would fall under the umbrella of ‘operational development’. This could encompass a wide range of activities, including constructing new buildings, such as the permanent office and servicing buildings which are subject to extant planning permission.
- 5.6. Furthermore, the building-out of the extant permission is also considered to constitute ‘operations’, because under Section 55 (1A) of the Town and Country Planning Act 1990 (TCPA 1990), “building operations ” include—
- (a) demolition of buildings;
 - (b) rebuilding;
 - (c) structural alterations of or additions to buildings; and
 - (d) other operations normally undertaken by a person carrying on business as a builder.

- 5.7. The new permanent offices and servicing facilities to be used by Ton Hire, will meet this definition of building operations, because they will be new-build facilities, built by a builder.
- 5.8. Development is not permitted by Class A, if the operations are mining operations and/or planning permission is required for those operations but is not granted or deemed to be granted.
- 5.9. In the case of the Land adjoining 9 Eldon Way, the site benefits from an extant planning permission under application reference 22/03398/FULL, which is an application for the provision of permanent office and servicing facilities and is not related to mining operations.
- 5.10. Conditions are placed on the allowances under Class A, which stipulate that when the operation have been carried out, any building, structure, works, plant or machinery is removed, and any adjoining land is reinstated to its condition before the development was carried out as soon as reasonably practicable.
- 5.11. The provision of the temporary construction site office and welfare Portakabin would be used and placed on site whilst the new office and servicing facility, granted permission under application 22/03398/FULL are under construction. The temporary building would be used purely within the site boundary of the approved permission. It would serve as a construction site office with welfare facilities to oversee the build of the new office facilities proposed on site.
- 5.12. The Portakabin would be removed from the site once the office and servicing facilities had been completed. There would be no adjoining land near to the Portakabin that would be affected by the development.
- 5.13. The proposal for the installation of a temporary site office/ welfare building within the redline boundary of planning application 22/03398/FULL constitutes permitted development under Class A of the Permitted Development Regulations, in that it would be the provision of buildings, “*required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land*”, and as such, does not require planning permission.

5.14. It is therefore respectfully requested that a Lawful Development Certificate for a proposed use or development is issued in this case.

6. Conclusion

6.1. This application seeks to place a temporary Portakabin building on the site known as Land adjoining 9 Eldon Way, in order to serve as a temporary site office/welfare suite during the build-out of the permanent office/ servicing facilities approved under application 22/03398/FULL.

6.2. It is submitted that the proposal constitutes Permitted Development as defined under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) under Schedule 2, Part 4, Class A, because the Portakabin will only be placed temporarily on the site whilst the permanent facilities, subject to a valid extant planning permission, are under construction, and the temporary building will be removed from the site on their completion.

6.3. It is therefore respectfully requested that a Lawful Development Certificate for a proposed use or development is issued in this case.