

5m E/12/0352/B – Unauthorised use of land for the parking of vehicles and HGV's at Bedwell Park Quarry, Bedwell Avenue, Essendon, AL9 6AA

Parish: LITTLE BERKHAMSTED

Ward: HERTFORD – RURAL SOUTH

RECOMMENDATION:

That the Director of Neighbourhood Services, in consultation with the Director of Finance and Support Services, be authorised to take enforcement action under section 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to ensure the cessation of the use of the land for the parking of vehicles and HGV's not associated with the use of the land as a quarry.

Period for compliance: 1 month from the date that the notice comes into effect.

Reasons why it is expedient to issue an enforcement notice:

1. The site lies within the Metropolitan Green Belt as defined in the East Hertfordshire Local Plan wherein permission will not be given except in very special circumstances for development for purposes other than those required for mineral extraction, agriculture, small scale facilities for participatory sport and recreation, or for other uses appropriate to a rural area and is therefore inappropriate development in the Green Belt. There are no special circumstances apparent in this case to justify the development. The use is contrary to policy GBC1 of the East Herts Local Plan Second Review April 2007 and National Planning Policy Framework.

_____ (035212B.GRD)

1.0 Background:

- 1.1 The site is shown on the attached Ordnance Survey extract. It comprises part of Bedwell Park Quarry, Bedwell Avenue, Essendon, off the Lower Hatfield Road, (B158) and lies within the Metropolitan Green Belt.
- 1.2 The quarry itself has a lawful operational use until 2042 as such, although the area involved in the unauthorised parking of HGV's is in a section of the site that has not been quarried, adjacent to the road that runs along the western boundary of the site. It is overlooked by public footpaths.

E/12/0352/B

- 1.3 In November 2012, concerns were expressed to this local planning authority that this part of the quarry site was being used for the parking of not less than 20 vehicles and HGV's not associated with the lawful use of the land as a quarry. During a site visit it was evident that the lorries included tipper trucks, low loaders, tankers and cement lorries.
- 1.4 An agent for the owner of the site, advised officers that the lorries were in fact associated with the use of the land as a quarry, and were used to transport chalk from the site and to bring materials to the site, necessary for the reinstatement of the quarry.
- 1.5 However, these facts were queried and a Herts County Council Officer, who regulates quarries in the County, advised Officers that, in general terms, chalk is only exported during a dry period, principally during the spring and summer. In January 2013, it was said to be unlikely that any had been exported during the last four months. The County Council Officer was also unaware of any major importation of restoration material to the site.
- 1.6 A newly instructed agent and the owner of the site subsequently met with Officers from the County Council and East Herts Council, when it was explained that the company was reviewing its total business operation and wished to submit an application for a temporary three-year use of the site for the parking of the company's fleet of vehicles, some of which were not used in association with the quarry works.
- 1.7 An application was duly submitted on 5th August 2013, under reference 3/13/1424/FP, seeking planning permission for a temporary use of the land for the parking for up to 12xHGV's for a period of 2 years with full restoration of the parking area within the two year period.
- 1.8 The information submitted with that application indicated that the applicant company is a successful and growing construction and recycling business operating from three separate locations at Burnside, Hertford Road, Hatfield; Birchall Lane, Cole Green and Bedwell Park Quarry. The company currently use part of the Bedwell Park Quarry site for the parking, maintenance and repair of their vehicles. Some of these are directly associated with the quarry use but others are used as part of the company's wider recycling business.
- 1.9 The applicant's agent acknowledged that the use constituted inappropriate development in the Green Belt but set out 'very special circumstances, which, in the applicants view, were sufficient to clearly outweigh any harm caused to the Green Belt such that planning permission should be granted.

E/12/0352/B

- 1.10 Those 'very special circumstances were said to be the protection of an important local business and its employees (with in the region of 100 staff being employed by the company in total); early restoration of this part of the site; the fact that the site is well screened; that the use has a negligible impact on the openness of the Green Belt and finally, that there is a lack of alternative non-Green Belt sites for this purpose.
- 1.11 After due consideration, however, the application was refused planning permission on the following grounds:
1. 'The application site lies within the Metropolitan Green Belt as defined in the East Hertfordshire Local Plan wherein permission will not be given except in very special circumstances for development for purposes other than those required for mineral extraction, agriculture, small scale facilities for participatory sport and recreation or other uses appropriate to a rural area. No such special circumstances are apparent in this case, and the proposal would therefore be contrary to policy GBC1 of the East Herts Local Plan Second Review April 2007.'
- 1.9 Photographs of the unauthorised parking will be made available during the meeting.

2.0 Planning History:

- 2.1 Various applications have been submitted on the quarry site as a whole; the following application related to an adjacent area:
- 3/09/0272/FP – Steel portal framed agricultural building – Refused April 2009.
- 3/13/1424/FP – Temporary use of land for a parking area for up to 12 HGV's for a period of two years with full restoration of parking area within the 2-year period – Refused.

3.0 Policy:

- 3.1 The following policies of the East Herts Local Plan Second Review 2007 are appropriate in this case: GBC1, TR20.
- 3.2 The National Planning Policy Framework is also a material consideration in the determination of this matter.

E/12/0352/B

4.0 Considerations:

- 4.1 The unauthorised use relates to the parking of HGVs belonging to the owner of the quarry that are associated with the applicants' other businesses in the area; a second quarry, a soil washing facility and an industrial facility comprising a number of activities.
- 4.2 The use is inappropriate in principle in this Green Belt location as it is not related to the temporary use of the site for minerals extraction, which itself is an appropriate use in the Green Belt. As such, it is harmful to the Green Belt by definition and there is also other harm caused to the openness, character and appearance of the surrounding area.
- 4.3 Policy GBC1 of the Local Plan and the NPPF are both clear that significant weight should be given to any harm caused to the Green Belt and inappropriate development should not be permitted unless very special circumstances can be shown that 'clearly outweigh' the harm caused.
- 4.4 In this case, the very special circumstances put forward by the applicants, within the recent retrospective application, have been fully considered by Officers. However, these were not, either individually or cumulatively, considered to be of such weight that they would clearly outweigh the harm to the Green Belt.
- 4.5 The stationing of a large number of HGVs in this location is a prominent feature of the area, given the extent of overlooking from adjacent footpaths. Officers cannot agree with the applicant's assertion within the retrospective application, that the harm arising from this would be modest. The vehicles are parked on site overnight and at weekends, when the footpaths are most likely to be in heaviest use.
- 4.6 County Highways, during consultation, did not object to the use, although it has long been a concern that there is too much heavy goods vehicle traffic on the B158, Lower Hatfield Road. The road is quite narrow, and not well suited to goods vehicles. However, given a lack of objection from the Highway Authority, it was not considered that a Highways reason for refusal could be justified.
- 4.7 The applicant suggested that the site would no longer be needed after the two-year period, and can be restored to its original condition. However, this assumption is made on the basis that an alternative site can be replanned following adoption of the County Council's Mineral Site Allocations Plan. This document has not been adopted, and the

E/12/0352/B

County Council has advised that any proposal dependent on its adoption is premature. Furthermore, this would only offer an improvement to a small and relatively insignificant part of the wider quarry.

- 4.8 Officers therefore remain of the view that there are no very special circumstances in this case that are of sufficient weight to 'clearly outweigh' the harm caused to the Green Belt.

5.0 Recommendation:

- 5.1 Having regard to the policies of the Local Plan, National Planning Policy Framework and other material considerations, it is therefore recommended that authority be given to take formal enforcement action to remedy the harm caused to the Green Belt by inappropriateness and the additional harm to the openness, rural character and appearance of the site.