

**E/14/0055/A – Unauthorised access and hardstanding at Clapgate House, Clapgate, Albury, Ware, SG11 2JS**

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**Parish: ALBURY**

**Ward: LITTLE HADHAM**

**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 secure the removal of the unauthorised development and the reinstatement of the land and boundary hedgerow to its former condition.

Period for compliance: 2 months

Reasons why it is expedient to issue an enforcement notice:

1. The provision of the unauthorised access and hardstanding has resulted in the loss of roadside hedgerow at the site, which is detrimental to the character, appearance and visual amenity of the street scene and this part of the rural area. Furthermore, the provision of necessary visibility splays for the new unauthorised access would result in the loss of further hedgerow which would exacerbate this harmful impact. The unauthorised development is therefore contrary to policies ENV1, ENV2, ENV11 and GBC3 of the East Herts Local Plan Second Review April 2007.

\_\_\_\_\_ (005514A.PD)

**1.0 Background:**

- 1.1 The site is located on the western side of a minor single carriageway road through the village, from Little Hadham in the south, leading to the Pelhams and villages beyond to the north.
- 1.2 Concerns were expressed to the Planning Enforcement team in February 2014 regarding the creation of a driveway entrance at the site which was considered to be an engineering operation. Following a site visit, the owner was advised that planning permission would be required for the creation of the access and for the change of levels of the land within the curtilage of the property.
- 1.3 On the 1<sup>st</sup> April 2014 an application, reference 3/14/0390/FP, was submitted seeking retrospective planning permission for the

## **E/14/0055/A**

engineering works to include a new access, hard standing and the formation of a retaining wall. After due consideration, however, the application was refused for the following reason:

1. The provision of the required visibility splays for the new unauthorised access results in the loss of an excessive amount of the roadside hedgerow, which would be detrimental to the character, appearance and visual amenity of the street scene and this part of the rural area and would be contrary to Policies ENV1, ENV2, ENV11 and GBC3 of the East Herts Local Plan Second Review April 2007.

### **2.0 Planning History:**

- 2.1 The planning history relating to the site can be summarised as follows:-

3/02/0011/FP – Proposed garage/workshop (Granted)

3/14/0390/FP – New Access, hard standing and retaining wall  
(Refused)

### **3.0 Policy:**

- 3.1 The following saved policies of the Local Plan are of relevance to this development:

ENV1 – Design and Environmental Quality

ENV2 – Landscaping

ENV11 – Protection of Existing Hedgerows and Trees

GBC3 – Appropriate Development in the Rural Area Beyond the Green Belt

- 3.2 The National Planning Policy Framework (NPPF) and the national Planning Practice Guidance (NPPG) are also material considerations in the determination of this matter.

### **4.0 Considerations:**

- 4.1 The unauthorised access is located at the end of the garden to the north of the property. However, there is also an existing access, a double garage and a driveway to park at least 2 vehicles to the south of the existing dwelling.
- 4.2 The new access measures 7.5 metres in width and has involved the removal of part of an existing established hedgerow and landscaping. The plans submitted with the retrospective application for planning

## E/14/0055/A

permission (3/14/0390/FP) indicate that the development would provide for one allocated parking space on the hard standing that has been created, although it appears to officers that there would be space to park two vehicles.

- 4.3 In order to provide the unauthorised hardstanding, part of the existing land within the site has been excavated and the levels therefore changed significantly. It is officers understanding that this area was previously laid-to-lawn and used as part of Clapgate House's garden.
- 4.4 Immediately to the north of the site is the access used by Nos1-4 Mansfield Cottages; beyond this is mature hedging and vegetation. To the south of the site, the existing hedgerow continues to the existing access and garage building for the application site.
- 4.5 The property is sited within the Rural Area as identified in the adopted Local Plan, which is an environmental asset consisting of various geographical and physical features interspersed with rural villages and hamlets. Hedgerows are considered to be one essential form that compliments the distinctiveness and appearance of this space, which the Council seeks to retain and, where possible enhance, under policy ENV11 of the East Herts adopted Local Plan Second Review April 2007. Hedgerows and landscape features within the highway verge are considered to be an important characteristic within this location.
- 4.6 During the consultation period in relation to the submitted retrospective application, the Highways Authority commented that they had concerns with the southern visibility sightline onto the main road. For this reason, they recommended a condition to require visibility splays of 2.4 m x 43 m to be provided and permanently maintained in each direction. However, they acknowledged that such a condition was likely to result in the removal of a significant additional section of the boundary hedgerow but, without this sightline, the access would be unsafe and they recommended refusal on those grounds.
- 4.7 Highways further commented that parking should be restricted to one vehicle only, as visibility lines for Mansfield Cottages should not be obstructed. There were also concerns that the width of the access does not currently conform with vehicle crossover (VXO) guidance and should therefore be reduced in width to 3.6 metres in order to restrict the width of the access and to ensure parking is within the allocated area.
- 4.8 The existing hedgerows and landscaping adjacent to the highway to the south and north of the application site are considered to be of merit as

they form part of the rural character of the locality. Accordingly, it is considered that the removal of the hedgerow that has already taken place results in an unsatisfactory appearance along the road frontage and results in a harmful impact upon the rural character of the immediate and wider area. Furthermore, the visibility splays that the Highways Authority require would result in the removal of additional hedgerow - some 43 metres in length - and this would further erode the rural character and appearance of the site.

- 4.9 The loss of the landscape features at this location is a significant concern, and it considered that there is no justification for the unauthorised access that would outweigh the detrimental impact that it has on the character and appearance of the locality resulting from the loss of the landscape features.

**5.0 Recommendation:**

- 5.1 Having regard to the impact of the unauthorised development on the rural character and appearance of the area; and the concerns raised by the Highway Authority about highway safety if visibility sight lines are not provided (which would result in additional loss of hedgerow) it is recommended that authorisation be given for enforcement action to be taken to ensure that the land is returned to its former condition, to include the replacement of the boundary hedging.