

**E/13/0312/B – Material Change of Use of barn to vehicle repair/storage use at New Hall Farm, Fanhams Hall Road, Wareside, SG12 7SD**

**Parish: WARESIDE CP**

**Ward: HUNSDON**

**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 cessation of the unauthorised use.

Period for compliance: 2 months

Reason why it is expedient to issue an enforcement notice:

1. The vehicle repair/storage business, by reason of the increased level of activity at the site, results in an unacceptable level of disturbance and noise generation to residents of nearby properties. Furthermore, no information has been submitted to the Council to ensure that the use operates in a way that minimises the impact of noise nuisance. The unauthorised use is thereby contrary to policies ENV1 and ENV24 of the East Herts Local Plan Second Review April 2007.

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**1.0 Background**

- 1.1 The site is shown outlined in red on the attached Ordnance Survey extract. It is located within the Rural Area Beyond the Green Belt. The site comprises an agricultural barn which forms part of New Hall Farm. The site has only ever had planning permission for agricultural use, and is located to the east of a number of listed barn conversions formerly associated with New Hall Farm.
- 1.2 In October 2013, it was brought to the attention of the Council that the barn was being used for vehicle repair/storage with the use often extending into the early hours of the morning.
- 1.3 Officers investigated the use, and whilst it initially proved difficult to access the site when the use was operating, Officers were able to fully inspect the site in April 2014. The owner of the business considered the situation and informed Officers of their intention to leave the site and relocate, rather than apply for planning permission. It was agreed that

the use should cease by June 2014.

- 1.4 In June, however, Officers received reports that the use was still continuing. Disturbances were still reported into the early hours of the morning, and whilst the activity may have decreased to some degree, the impacts were still significant.

## **2.0 Planning History**

- 2.1 The relevant planning history in this case is as follows:

3/93/0365/PN – Prior notification of concrete framed barn. Approved.

## **3.0 Policy**

- 3.1 The relevant saved policies of the East Herts Local Plan Second Review April 2007 in this case are:

GBC2 – The Rural Area beyond the Green Belt;  
GBC3 – Appropriate Development within the Rural Area;  
GBC9 – Adaption and Re-use of Rural Buildings;  
ENV1 – Design and Environmental Quality;  
ENV24 – Noise Generating Development.

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

## **4.0 Considerations**

- 4.1 The site is located within the Rural Area within which the re-use of rural buildings can be acceptable in accordance with Policy GBC9. However, the Policy requires the use to be sympathetic to the rural character of the building and its surroundings, and Policy ENV24 requires Noise generating development to be designed to minimise the impact of noise nuisance. The use is currently operating unregulated, and anecdotal evidence from members of the public has indicated that the use operates into the early hours and involves a significant amount of vehicle noise.
- 4.2 Whilst the re-use of the building for a commercial use could potentially be positive in Policy terms, Officers have been required to consider the unregulated operation of the use, with no restrictions or conditions to limit the impact on neighbouring residential properties, which are in relatively close proximity.

## **E/13/0312/B**

4.3 Officers consider that the current use of the building is contrary to Policies ENV1 and ENV24, and the harm to the local environment and amenities of nearby residents is not outweighed by the favourable re-use of the building for commercial purposes. Officers have previously been informally advised by the operators that alternative premises would be found. Accordingly, Officers consider that a relatively limited period of 2 months would be sufficient and reasonable to cease the use of the site.

### **5.0 Recommendation**

5.1 For the above reasons it is recommended that authorisation be given to issue and serve an Enforcement Notice requiring the cessation of the unauthorised vehicle repairs and storage.