

DEVELOPMENT MANAGEMENT COMMITTEE – 24 FEBRUARY 2016

Reference Number	E/14/0422/A
Proposal	Unauthorised creation of access track
Location	Site to the north of Waste Transfer Depot, Fillets Farm, Hunsdon, SG12 8QA
Parish	Stanstead Abbots CP
Ward	Hunsdon

RECOMMENDATION:

That enforcement action be authorised as set out at the end of this report.

1.0 Background

- 1.1 The site is shown on the attached Ordnance Survey extract and is located in a rural location to the south of Hunsdon village. The unauthorised track runs parallel, and in an elevated position, to the Public Right of Way (PRoW) known as Hunsdon 003.
- 1.2 In November 2014, a concern was expressed to the Council that a new access track had been created at the site that ran approximately 100 metres in length, providing an alternative route to the existing track for traffic accessing Fillets Farm. There is a reasonably steep rise onto the new access track from the PRoW when accessed from both directions – more so with the eastern access. It comprises of a loose gravel/hardcore base; there is an earth bank to the north of the access and to the immediate south of the access is a collection of trees and other landscape features. To the south of the PRoW is a Waste Transfer site and further to the west are a collection of residential homes and businesses around Fillets Farm. A small collection of residential homes, Whitehall Cottages, form a closer relationship with the site and are around 30metres to the south east.
- 1.3 Following a site visit with the owner, they were advised that planning permission would be required for the creation of the new track and associated works, and in November 2015 an application for retrospective permission was submitted for the retention of the track (Ref: 3/15/2389/FUL). Within that application, the applicant sought to justify the creation of the new access on the grounds that it allows access to the businesses at the Farm to remain separate to the access and lorry movements associated with the Waste Transfer station. The applicant stated that, without the access it may impact harmfully on the viability of the commercial properties in Fillets Farm. Representations from those businesses in Fillets Farm were also received which highlighted the benefits associated with the access in terms of avoiding

the section of the PRoW outside the Waste Transfer site which is wet, muddy and potholed, and also the benefits of avoiding lorry movements outside the Waste Transfer site.

1.4 However, after due consideration, the application was refused in January 2016 for the following reason:

1. *The proposed development represents an inappropriate form of development in the Rural Area beyond the Green Belt and results in harm to the character and appearance of the rural setting. Insufficient justification has been submitted to outweigh the inappropriateness and harm identified. The proposed development is not therefore considered to represent a sustainable form of development and conflicts with policy GBC3, ENV1 and LRC9 of the East Herts Local Plan Second Review April 2007 and Section 4 of the National Planning Policy Framework.*

1.5 The unauthorised track remains in place.

2.0 **Planning History**

2.1 The most relevant and up to date planning history for the site can be summarised as follow:

3/15/2389/FUL	Creation of access track - Retrospective	Refused
3/08/1701/CL	Lawful use of site as wood yard	Approved
3/0339-96 (HCC Application)	Lawful use of site as waste transfer station	Approved

3.0 **Policy**

3.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF) and the adopted East Herts Local Plan 2007:

Key Issue	NPPF	Local Plan policy
Impact and appropriateness of the development on the rural area	Section 4	GBC3, ENV1,
Impact on Public Right of Way		LRC9

Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.

4.0 Consideration of Relevant Issues

- 4.1 The main consideration in this matter is the principle of the proposed development in the Rural Area, the justification for the new track, and its impact on the PRow and the surrounding rural area.
- 4.2 The site is located within the Rural Area beyond the Green Belt wherein policy GBC3 of the Local Plan allows for essential small scale facilities, services or uses of land which meet a local need, are appropriate to a rural area, and which assist rural diversification. However, the unauthorised track is not considered to be 'essential' or to meet a local need which is appropriate to the context of the rural area.
- 4.3 The residential properties and businesses at Fillets Farm, and the Waste Transfer site, can all be accessed from the existing, original, Public Right of Way and it is not essential, therefore, for an entirely new access to be created for this purpose. The development thereby represents an inappropriate form of development. Furthermore, it has a harmful impact on the rural qualities of the surrounding area and it is not considered that the economic and viability submissions put forward within the recent application add significant weight in favour of the development proposal. The application did not provide adequate justification to explain why resurfacing of the PRow, perhaps including some widening to allow passing of vehicles, is not a practicable alternative solution. Whilst that would still result in a shared access to the Waste Transfer site and Fillets Farm, it is not an uncommon relationship that would result in significant harm.
- 4.4 The degree of impact has softened over the passage of time as the small earth bank to the northern of the access has been self-seeded with grasses and other landscape features. Nonetheless, the overall length and design of the access road does not assimilate well in the surrounding countryside and the Highway Authority has indicated that, if the track were to remain, further works may be required to ensure adequate visibility sight lines from the new track onto the PRow and also to ensure that its steep gradient does not exceed 1 in 10. The provision of sight lines, in particular, has the potential to further harm the rural character and appearance of the surroundings. Landscaping may assist in reducing the degree of impact – however, it would only serve to screen an inappropriate and harmful form of development and any such landscaping could not be protected in perpetuity.

5.0 Recommendation

- 5.1 For the above reasons it is recommended that the Head of Planning and Building Control, in consultation with the Head of Democratic and Legal Services, and other officers as appropriate, be authorised to take enforcement action under section 172 of the Town and Country Planning Act 1990 and any further steps as may be required to secure the removal of the unauthorised track.

Period for Compliance: 3 Months

Reasons why it is expedient to issue an Enforcement Notice:

1. The development represents an inappropriate form of development in the Rural Area beyond the Green Belt and results in harm to the character and appearance of the rural setting. The development is not considered to represent a sustainable form of development and conflicts with policy GBC3, ENV1 and LRC9 of the East Herts Local Plan Second Review April 2007 and Section 4 of the National Planning Policy Framework.