

E/08/0501/A - The unauthorised storage of material on land at the rear of Barleycroft Works, Barleycroft End, Furneux Pelham, Herts, SG9 0LL

Parish: FURNEUX PELHAM

Ward: LITTLE HADHAM

RECOMMENDATION

That the Director of Neighbourhood Services, in consultation with the Director of Internal 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 material and the restoration of the land.

Period for compliance: 28 days

Reason why it is expedient to issue an enforcement notice:

1. The application site lies within the Rural Area Beyond the Green Belt, as defined in the East Hertfordshire Local Plan, where development will only be allowed for certain specific purposes. There is insufficient justification for the material change of use of the agricultural land, which is contrary to the aims and objectives of policy GBC3 of the East Herts Local Plan Second Review April 2007.
2. The unauthorised piles of stored material, with the associated loss of open land, have a detrimental impact upon the character and appearance of the area and causes loss or damage to important landscape features. Accordingly the development is contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.

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1.0 Background

- 1.1 The site is shown on the attached Ordnance Survey extract. It is located adjacent to the 'T' junction and immediately to the east of the Pallets Unlimited site in Barleycroft End. Unfortunately neither of the roads at the 'T' junction are named. Photographs of the site will be available at the meeting.
- 1.2 Pallets Unlimited have operated a business comprising the repair and recycling of pallets for several years and, more recently, have also operated a business manufacturing woodchip material from wood imported into the site. This element of the business was granted a lawful development certificate by a Planning Inspector in May 2006 following the allowing of an

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appeal against an enforcement notice issued by Hertfordshire County Council.

- 1.3 In September 2006 a concern was expressed to this Council that material appeared to be over spilling from the Pallets Unlimited site into the agricultural land that is now the subject of this report.
- 1.4 The enforcement officer visited the site and found that there was a significant amount of partly treated wood product, with part of the pile within the industrial site and part within the agricultural land to the rear. The wood recycling operation that takes place there uses two processes to reduce imported recycled timber into woodchip to be used for various purposes, including bio-mass fuel for power stations. This pile had been through stage one and was not the finished product.
- 1.5 By January 2007 a further visit by the enforcement officer showed that this material had been removed from the field but had been replaced by piles of fully treated woodchip material. The owner of Pallets unlimited stated that he now owned the agricultural land and was storing the material on that land for an agricultural purpose, not for the purposes of his business. The agricultural purpose to which he referred was the construction of a cattle yard of about half an acre as an exemplar of the use of the material. There were no cattle in the field, which is shown in arable use in the 2001 aerial photographs.
- 1.6 Despite two written requests, the owner did not provide the Council with further details, or a timescale, for this proposed use. Accordingly a planning contravention notice was issued and served in May 2007. In response to this the owner confirmed his intentions to create a cattle yard but stated that he could not commence this as the single farm payment entitlement was not transferred with the land leading to a funding shortfall.
- 1.7 There being no evidence to the contrary, officers accepted that the owner's intentions were as he stated. However a further concern was expressed to the Council in October 2008 regarding further piles of material in the field.
- 1.8 A further visit from the enforcement officer in November 2008 revealed that there were a number of large piles of woodchip material in the field. These piles were light in colour and appeared to be newer than the original piles of woodchip. There were also darker piles of material present.
- 1.9 The officer then spoke to the owner of Pallets Unlimited who stated that the material was being stored on the agricultural land before being sold to farmers elsewhere; it was not for agricultural use on the site itself. He considered this to be an agricultural use. He was, however, informed that

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the storage was for the purposes of his business and that represented a material change of use of the land. This was reinforced by a letter on 18th November 2008 in which he was asked to remove the material within 14 days.

- 1.10 On 3rd December 2008 a further site visit revealed that there was still a substantial amount of woodchip material stored on the land.

2.0 Planning History

- 2.1 The recent planning and enforcement history is as follows: -

<u>Planning.</u>		
3/99/0081/FP	Change of use of redundant grain store to industrial/storage	Approved with conditions
3/99/1636/FP	Enlargement of yard area for storage	Approved with conditions
3/04/0117/FP	Erection of building for shredding and storage	Refused
<u>Enforcement.</u>		
E/01/0383/A	Materials stored in excess of 3.6 metres high in breach of a planning condition	Breach of Condition Notice issued; prosecuted and convicted at Hertford Magistrates Court.
E/05/0159/A	Complaint of scaffold structure.	No breach of planning control
E/06/0493/A	1. Height of stored material in yard. 2. Storage of woodchip on agricultural land.	1. Complied 2. No apparent breach.

3.0 Policy

- 3.1 The relevant Local Plan policies in this matter are:-

GBC3 – Appropriate development in the Rural Area Beyond the Green Belt
ENV1 – Design and Environmental Quality

4.0 Considerations.

- 4.1 Policy GBC3 states that permission will not be given for changes of use in the Rural Area unless they fall within one of twelve specified criteria. This development does not fall within any of the given criteria and is therefore contrary to that policy.
- 4.2 It is the view of Officers that this change of use has significantly altered the rural character of the site from land in arable agricultural use to that of storage for industrial purposes (a use class of B8 under the Use Class Order 1987 (as amended)). That change is detrimental to the rural character of the surrounding area.
- 4.3 Policy ENV1 requires that development proposals will be expected to comply with eight criteria. Amongst those are the requirements to consider the impact of any loss of open land on the character and appearance of the area (point (f)) and to minimise loss or damage of any important landscape features (point (g)). Again officers consider that the development fails to comply with these requirements.

5.0 Recommendation

- 5.1 For the above reasons, it is recommended that authorisation be given to issue and serve a Planning Enforcement Notice requiring the removal of the unauthorised material from the land and for the restoration of the land to its condition prior to the unauthorised development.