

E/07/0463/A – Unauthorised change of use of land from agricultural to residential garden and erection of shed at land rear of The Old Post Office Cottage, Barleycroft, Furneux Pelham, 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 cessation of the unauthorised use of the land and the removal of the shed and any domestic paraphernalia situated thereon.

Period for compliance: 1 month

Reasons why it is expedient to issue an enforcement notice:

1. The extension of the curtilage of the dwelling represents an incursion into the countryside which has had an adverse effect on the rural character and appearance of the local landscape, and is therefore contrary to policy ENV7 of the East Herts Local Plan Second Review April 2007.
2. The Local Planning Authority considers that the shed is not required for any agricultural use of the land and, by reason of its siting and design, is out of keeping with and detrimental to the rural character and appearance of the locality, and is contrary to policies GBC3 and ENV1 of the East Herts Local Plan Second Review April 2007.

_____ (046307A.PD)

1.0 Background

- 1.1 The site is shown on the attached Ordnance Survey extract. The strip of land is an estimated 1700m² and is accessed from the rear of the garden of the dwelling and extends to a point bounding the River Ash and the gardens of several properties along the main road.
- 1.2 On 23rd July 2007 a planning application was submitted by the owner of the land for a change of use from agriculture to residential garden so that a small wooden summer house could be erected on the site.

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- 1.3 After due consideration, planning application 3/07/1521/FP was refused for the following reason:-

The proposed extension of the curtilage of the dwelling represents an incursion into the countryside which would have an adverse effect on the character and appearance of the local landscape, and would therefore be contrary to policy ENV7 of the East Herts Local Plan Second Review April 2007.

- 1.4 Following the refusal the decision was the subject of an appeal to the Planning Inspectorate and on the 30th April 2008 the appeal was dismissed (a copy of the appeal decision is attached to this report).

- 1.5 A further application was submitted during the course of this appeal for a tool shed on the land for smallholding agricultural purposes.

- 1.6 After due consideration however, planning application 3/07/2099/FP was again refused planning permission for the following reasons:-

1. The Local Planning Authority is not satisfied that the building is genuinely required for an agricultural use on the land, nor that it is of a design which is appropriate for such a use. The applicant has submitted no evidence to show an agricultural need for the building and in the absence of such information the building is contrary to policies GBC3 and GBC7 of The East Herts Local Plan Second Review April 2007.

2. The building, by reason of its siting and design is out of keeping with and detrimental to the rural character and appearance of the locality and as such is contrary to Policy ENV1 of The East Herts Local Plan Second Review April 2007.

- 1.7 As both applications were refused and the appeal dismissed the matter was passed to the planning enforcement team and a letter was sent to the owner on the 6th May 2008 requesting that the domestic paraphernalia to include a garden shed and table and chairs on the land be removed.

- 1.8 A further concern was raised with the team in early 2009 and a letter was again sent to the owner on 11th March 2009, stating that, as the unauthorised use appeared to continue, the matter would now be reported to the Committee for authorisation to instigate enforcement action.

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2.0 Planning History

2.1 The recent relevant planning history is as follows: -

3/07/1521/FP	Change of use of land from farm land to garden	Refused. Dismissed at appeal
3/07/2099/FP	Retrospective planning permission for tool shed on land for smallholding agricultural purposes	Refused

3.0 Policy

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

- GBC3– Appropriate Development in the Rural Area Beyond the Green Belt
- GBC7 – Agricultural Development
- ENV1 – Design and Environmental Quality
- ENV7 – Extension of Curtilage of a Residential Property

4.0 Considerations.

4.1 Policy ENV7 of the East Herts Local Plan Second Review states that extensions of the curtilage of a residential property into the countryside may be permitted in circumstances where the proposal:-

- a) includes the provision of appropriate landscaping and boundary treatment
- b) is not likely to result in an adverse effect on the character and appearance of the local landscape;
- c) does not involve areas of archaeological or ecological significance.

4.2 In this case, however, Officers consider that the unauthorised change of use has resulted in an adverse effect on the character and appearance of the local landscape. The site is bounded by post and rail fencing, is closely mown and has contained various items of domestic paraphernalia, such as

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a table, chairs and a small domestic shed. This is considered to be out of keeping with the rural character and appearance of the surrounding agricultural land.

- 4.3 The land does not form a natural extension of the residential curtilage and creates an undesirable incursion into the countryside. The appeal inspector noted that whilst trees and hedges could be planted along the boundaries of the site, these would take many years to mature and in the meantime he considered that the enlarged garden would “stand out as an obvious and harmful intrusion into the countryside.”
- 4.4 He concluded that the change of use would harm the character and appearance of the rural area. Furthermore Officers, consider that the domestic shed on the land is similarly harmful to the character and appearance of the area.

5.0 Recommendation

- 5.1 The unauthorised use of the site appears to continue and the shed and seating are still in situ on the land. Accordingly, it is recommended that enforcement action be taken to secure the cessation of the use and the removal of the shed and any other domestic paraphernalia from the land.