

E/08/0595/A – Unauthorised change of use of garage from residential to commercial purposes at 2 Chalk Hill Cottages, Clapgate, Albury, SG11 2LF

Parish: ALBURY

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 garage.

Period for compliance: 2 months

Reason why it is expedient to issue an enforcement notice:

The site lies within the rural area as defined in the East Herts Local Plan wherein there is a presumption against development other than required for agriculture, forestry, small scale local community facilities or other uses appropriate to a rural area. The development is prejudicial to this policy as set out in policies GBC2 & GBC3 of the East Herts Local Plan Second Review April 2007.

The use of the building for a commercial office has resulted in an increase in vehicle usage of the access to and from the site which is substandard in terms of its visibility. The development is therefore prejudicial to highway safety and a potential danger to road users.

_____ (059508A.PD)

1.0 Background

- 1.1 The site is shown on the attached Ordnance Survey extract. It is located north of Clapgate village on the main through road.
- 1.2 On 8th December 2008, a concern was brought to the attention of the Enforcement team stating that a courier business was being run from the detached garage with employees coming and going from the site.
- 1.3 On the 30th December 2008 a visit was made to the site and it was explained to the owners that, due to the level of the business that was being run from the garage, a change of use application would be required to be submitted.

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- 1.4 A retrospective planning application was received on the 23rd January 2009 under reference 3/09/0109/FP and after due consideration was refused planning permission on the 18th March 2009 for the following reasons:-

The application site lies within the rural area as defined in the East Hertfordshire Local Plan wherein there is a presumption against development other than required for agriculture, forestry, small scale local community facilities or other uses appropriate to a rural area. The proposed development would be prejudicial to this policy, set out at policies GBC2 & GBC3 within the East Herts Local Plan Review April 2007.

The use of the building for a commercial office use results in an increase in vehicle usage to and from the site which is substandard in terms of its visibility. The proposal would therefore be prejudicial to highway safety, and a potential danger to road users.

- 1.5 Photographs will be available at the meeting.

2.0 Planning History

- 2.1 The recent relevant planning history is as follows:-

3/09/0109/FP	Change of use of garage from residential to commercial (retrospective).	Refused
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3.0 Policy

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

- GBC2 The Rural Area Beyond the Green Belt
- GBC3 Appropriate Development in the Rural Area Beyond the Green Belt.
- TR20 Development generating traffic on rural roads

4.0 Considerations

- 4.1 The determining issues in this case relate to the acceptability of the use in the Rural Area and its impact on highway safety in the area.
- 4.2 The garage was originally given permission for use in connection with the residential use of the dwelling. However, the current unauthorised use of the garage is as an office and a call centre for a small courier business. Three people are employed full time by the business, and 3 part-time.

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- 4.3 The office use does not fall within the criteria of appropriate development within the Rural Area and no material planning considerations are apparent, or have been adduced by the applicant, to justify a departure from Local Plan policy in this case.
- 4.4 The commercial use of the building results in a more intensive use which involves a greater degree of traffic movement and activity within the site. This is not considered to be appropriate in this rural locality.
- 4.5 With regards to highway safety, County Highways have commented that they have a fundamental highway safety concern in respect of the poor visibility achievable from the access onto the public highway.

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 cessation of the unauthorised use.