

**E/08/0556/A – The unauthorised erection of a fuel storage tank at Ashbourn,
The Street, 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 removal of the unauthorised development from the land.

Period for compliance: 42 days.

Reason why it is expedient to issue an enforcement notice:

The development by reason of its scale, materials and detailed appearance is of a poor standard of design, unsympathetic to the context of the site and fails to take the opportunities available for improving the character of the area. The proposal is thereby contrary to Policy ENV1 of the East Herts Local Plan Second Review April 2007 and national planning guidance in PPS1 'Delivering Sustainable Development' para 34.

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1.0 Background

- 1.1 The site is shown on the attached Ordnance Survey extract. It is situated in The Street, Furneux Pelham about 150 metres east of the junction with Violets Lane.
- 1.2 In December 2008 a concern was expressed to the Council that a large oil tank had been erected in the front garden of the above property, raised upon a brick and concrete supporting structure. This was confirmed by a site visit by the enforcement officer.
- 1.3 Whilst certain permitted development rights for fuel storage tanks do exist within the General Permitted Development Order 2008, it does not permit such developments between the highway and the house without express permission.

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- 1.4 As the property is unoccupied following building works, the enforcement officer then wrote to the owner on 5th December 2008 informing him that planning permission was required for the development.
- 1.5 The owner telephoned the enforcement officer stating that the tank was a replacement for one that had been removed, as had the existing supporting brickwork. He was informed that officers considered that any such replacement required planning permission.
- 1.6 No such application for planning permission was received and the officer again wrote to the owner on 20th February 2009 to state that if proposals were not received by the Authority within 14 days the matter would be referred to the next available meeting of the Development Control Committee. No response to that letter has been received to date.
- 1.7 Further site visits have shown that the tank is still in place and the property is still unoccupied.
- 1.8 Photographs of the development will be available at the meeting.

2.0 Planning History

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|--------------|---|--------------------------|
| 3/85/0358/FP | Construction of pitched tiled roof on existing flat roofed bungalow and garage. | Approved with conditions |
| 3/96/0744/FP | Single storey rear extension and conservatory. | Approved with conditions |
| 3/06/1338/FP | Single storey front & rear extensions | Approved with conditions |
| 3/07/0852/FP | Raise roof to create first floor accommodation, remove conservatory and link existing garage to house. | Approved with conditions |
| 3/07/2366/FP | Raise roof to create first floor accommodation, remove conservatory, link garage to house and new front and rear dormer windows | Approved with conditions |

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3.0 Policy

3.1 The relevant policy in this matter is:-

ENV1 – Design and environmental quality

4.0 Considerations

4.1 In this matter, the main issue to be considered is the siting of the fuel storage tank, and its associated brick and concrete plinth, in the front garden of the site where it is clearly visible and prominent in the street scene.

4.2 Officers consider that the siting of this development in the front garden of the property has a detrimental effect on both the property itself and upon the local area. It is a poor standard of design which fails to respect the character and appearance of the surroundings. Accordingly it is considered to be contrary to policy ENV1 of the East Hertfordshire Local Plan Second Review April 2007.

5.0 Recommendations

5.1 It is therefore recommended that authorisation be given to issue and serve a Planning Enforcement Notice requiring the removal of the unauthorised development.