

**E/09/0047/B**

**10. E/09/0047/B – The unauthorised use of an outbuilding as a self-contained residential unit at 80 High Street, Walkern, SG2 7PG**

**Parish: WALKERN**

**Ward: WALKERN**

**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 building.

Period for compliance: 6 months.

Reason why it is expedient to issue an enforcement notice:

1. The residential unit, by reason of its size, siting and layout, fails to complement the existing pattern of residential development in the surrounding area. The lack of private amenity space and separate access and its relationship to neighbouring uses also fails to provide for an adequate level of residential amenity for future occupiers. The proposal is thereby 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 situated within the Conservation Area of Walkern on the west side of High Street about 60 metres north of the junction with Totts Lane.
- 1.2 The site comprises the dwellinghouse itself, a Grade II listed building, with a group of six outbuildings accessed from the driveway at the side of the house. Five of these outbuildings are in a row to the north of the driveway and the sixth, to the south of the driveway, is now semi-derelict.
- 1.3 The five other buildings have a variety of authorised planning uses which can be summarised as:-  
Unit 1 – A retail shop known as “Jolie”

## E/09/0047/B

Unit 2 – A Doctors' surgery

Unit 3 – A warehouse

Unit 4 – A playgroup and

Unit 5 – A workshop for the repair of musical instruments.

- 1.4 On 5<sup>th</sup> February 2009 a concern was expressed to the Authority that unit number 3 was being let out as a self contained residential unit to a tenant.
- 1.5 The enforcement officer visited the site and spoke to the owner on 19<sup>th</sup> February 2009. The owner stated that the unit was empty when he purchased the property. Having renovated it, the family installed a kitchen and toilet to use whilst the main house was being extended. Following the completion of works to the main house it was converted into a self contained residential unit.
- 1.6 Initially the building was occupied by the brother of the owner, who formed part of the family resident at number 80. However when the building was vacated the owner let it on a commercial basis on 21<sup>st</sup> April 2007.
- 1.7 The building comprises a kitchenette, bedroom and bathroom with two windows to the habitable rooms at the front and one small window to the bathroom at the rear. It is of weatherboard construction, over a timber frame, with a corrugated iron roof.
- 1.8 On 21<sup>st</sup> July 2009 a planning application was received under application number 3/09/1110/FP seeking retrospective planning permission for the change of use of unit 3 from a warehouse to a residential dwelling. This application was refused permission under delegated powers on 15<sup>th</sup> September 2009.
- 1.9 Photographs of the site will be available at the meeting.

## **2.0 Planning History**

3/66/2224	Use of sheds 2 and 3 as warehouses.	Granted
3/68/0312	Change of use of sheds 4 and 5 for the storage of agricultural parts.	Granted
3/82/0131	Change of use of shed 2 from storage to doctors' surgery.	Granted

## **E/09/0047/B**

3/83/1267	Change of use of shed 4 from storage to use by playgroup.	Granted
3/84/1077/FP	Change of use of shed 5 from storage to workshop for the manufacture and repair of musical instruments.	Granted
3/04/1898/FP	Use of shed 1 as a retail unit and for new shop windows, door and weatherboarding.	Granted
3/09/1110/FP	Change of use of unit 3 from warehouse to residential dwelling (retrospective).	Refused

### **3.0 Policy**

3.1 The relevant policies in this matter are:-

ENV1 – Design and environmental quality  
PPS3 – ‘Housing’ at paragraph 16.

### **4.0 Considerations**

4.1 The main consideration in this matter is the residential use of a building within the village boundary of Walkern, a category 1 village, wherein residential uses are acceptable in principal. However the size of the accommodation is small in relation to the character of the surrounding area and fails to respect the grain and density of development in the surrounding area.

4.2 Furthermore the unit is not considered to provide for an adequate level of amenity for future residents. There is no private garden area and the dwelling is located amongst commercial uses with no separate access. Accordingly it is contrary to the above national and local policies, and creates a cramped form of accommodation, out of character with the surrounding area.

### **5.0 Recommendation**

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