

E/08/0051/B

8. **E/08/0051/B – Unauthorised change of use of land and use of caravans for residential purposes at Calves Grove, White Stubbs Lane, Bayford, Herts, SG13 8QA**
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Parish: BAYFORD

Ward: HERTFORD - RURAL SOUTH

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 steps as may be required to secure the cessation of the residential use of the land and the removal of the unauthorised caravans.

Period for compliance: 6 Months

Reasons why it is expedient to issue an enforcement notice:

The unauthorised material change of use of the land for the siting of 2 residential caravans, is inappropriate development within the Metropolitan Green Belt. The development is thereby contrary to policy GBC1 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. The site is on the edge of East Herts boundary with the entrance off a single track from White Stubbs Lane, Bayford
- 1.2 It was brought to the attention of the Enforcement Team in April 2008 that the owner of the land had 3 mobile homes on the site without the benefit of planning permission.
- 1.3 Following a visit to the site on 8th May 2008 with the owner, a letter was sent on 27th May 2008 stating that the General Permitted Development Order, Part 4, Schedule 2, allows for the temporary occupation of caravans where it relates to operations being carried out by seasonal workers, but does provide for long term occupation.
- 1.4 Following a conversation with the owner, he was advised that either a

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planning application or a Certificate of Lawfulness was required to be submitted for the 3 caravans to remain on site.

- 1.5 On 15th June 2008, it was reported that an arson attack took place at the site wherein the 3 caravans were destroyed by fire along with most of the owners paperwork relating to the site.
- 1.6 Following the fire, the owner stated that he wished to replace the 3 destroyed caravans with 2 new ones. He was advised at the time that planning permission was required or a Certificate of Lawfulness to be submitted if he could provide evidence that the land had been used for the siting of residential caravans for more than 10 years.
- 1.7 The owner was given a number of extensions of time to submit the required application due to the fire and the loss of paperwork and on 16th April 2009 an application was submitted for a Certificate of Lawfulness relating to the 2 new mobile homes and 12 storage containers under reference 3/09/0575/CL. However, this application was subsequently withdrawn by the owner's agent on the 9th June 2009.
- 1.8 On 9th July 2009, a further application was submitted for a Certificate of Lawfulness under reference 3/09/1052/CL for the retention of the 12 containers only. After due consideration this application was granted on the 3rd September 2009.
- 1.9 Following the withdrawal of the first application as well as the granting of the Certificate of lawfulness for the containers no application has been received with regard to the caravans.

2.0 Planning History

2.1 The recent planning history is as follows:

3/96/1427/FP	Erection of agricultural building	Approved with conditions
3/97/0077/FP	Construction of boundary fence, gates and access roads	Approved with conditions
3/09/1052/CL	Siting of 12 containers associated with the business	Approved

3.0 Policy

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

- GBC 1 – Appropriate Development in the Green Belt

4.0 Considerations

4.1 The site is situated within the Green Belt wherein policy GBC1 applies. The policy states that development will not be permitted unless very special circumstances can be demonstrated that clearly outweigh the harm by reason of inappropriateness or any other harm. This is also backed up in Planning Policy Guidance 2: Green Belts, where it also states that very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

4.2 The owners of the site have 2 caravans that are used residentially, 1 for the owner and his wife and the other for workers on the site. The General Permitted Development Order Part 4, Schedule 2, allows for the temporary occupation of caravans where it relates to operations being carried out by seasonal workers, but does not provide for long term occupation. It does not appear that any very special circumstances can be shown to justify the need for 2 caravans to be occupied all year round in connection with any activities that may be taking place on the site.

4.3 It has not been proven through the determination of an application, that the previous caravans on the site destroyed by fire, were used residentially rather than only occasionally by the owner to stay in when works on the site required it as well as for refreshment breaks and storage.

5.0 Recommendations

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 2 unauthorised caravans and the cessation of the use of the land for residential purposes.