

3/09/1335/FP

3. 3/09/1335/FP – Retention of caravan at Terracewood Farm, Hertingfordbury, SG14 2LF for Mr. Anthony Johnson

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Date of Receipt: 21.08.2009

Type: Major – Full Permission

Parish: HERTFORD

Ward: HERTFORD CASTLE

**RECOMMENDATION**

(A) that (A) planning permission be **REFUSED** for the following reason:

1. The application site lies within the Metropolitan Green Belt as defined in the East Hertfordshire Local Plan wherein permission will not be given except in very special circumstances for development for purposes other than those required for mineral extraction, agriculture, small scale facilities for participatory sport and recreation or other uses appropriate to a rural area. No such special circumstances are apparent in this case, and the proposal would therefore be contrary to policy GBC1 of the East Herts Local Plan Second Review April 2007.

(B) 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 caravan from the site.

Period for compliance: 1 month.

\_\_\_\_\_ (133509FP.MC)

**1.0 Background**

- 1.1 The application site is shown on the attached OS extract. It is agricultural land located within the Green Belt.
- 1.2 The site is woodland set on a ridge to the north of the River Lee valley, south-west of Hertford, and is a locally designated wildlife site.
- 1.3 The site has been used for commercial purposes in recent years, including the disposal of waste materials from a landscaping and gardening company. There are a number of buildings on site associated

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with these uses, as well as vehicles parked on site. The owner has confirmed that the business has been given notice to vacate the site.

1.4 The caravan was granted temporary permission as an ancillary rest facility for staff for the agricultural use in October 2006, with a three year time limit. That period has now expired, and pending the outcome of this application the caravan may have to be removed from the site.

1.5 The caravan is approximately 8.5 by 3.5 metres in area, and around 2.75 metres tall. It has been used as staff rest facilities in association with the commercial use of the site. The applicant is now seeking to retain the caravan for use by their family as rest facilities when they visit the site.

### **2.0 Site History**

2.1 3/06/1708/FP – Replacement caravan – Approved October 2006.

2.2 There are a number of other buildings on the site, including various barns and stores. In 2006 it was considered that these buildings, although lacking formal planning consent, were likely to have been present on site for more than four years. They were immune from enforcement action and considered to be lawful development.

### **3.0 Consultation Responses**

3.1 Highways – No objections.

3.2 Herts and Middlesex Wildlife Trust – Object to the application on grounds of damage to a protected Wildlife Site from the commercial use of the site.

3.3 Herts Biological Records Centre – Concerns about the presence of the caravan within the Wildlife Site, in addition to the existing buildings on the site that have damaged the ecology of the wood.

### **4.0 Town Council Representations**

4.1 Hertford Town Council expressed concerns about “the location of the caravan in the rural area in such obvious view.”

### **5.0 Other Representations**

5.1 The applications have been advertised by way of press notice, site

notice and neighbour notification.

5.2 Five letters of objection have been received which can be summarised as follows:-

5.3 Inappropriate development in the Green Belt; Retention of the caravan on the site after the cessation of the associated agricultural use – This matter is addressed separately in section 7.

5.4 Noise arising from associated use of fields for motorcycle/quad bike riding.

Officers note: The use of the adjacent fields for up to 14 days in a year for this purpose would not require planning permission, as it would be permitted under Schedule 2, Part 4, Class B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). This matter is being separately investigated by Enforcement officers to determine whether further action is necessary to prevent undue disturbance to local residents as it is a separate matter from that applied for in this application. If further action were to be necessary then this would be reported to the Committee at that time.

5.5 Generation of additional traffic on access road – This matter is addressed separately in section 7.

5.6 The Hertingfordbury Conservation Society remain concerned at the potential for non-agricultural use of the Terrace wood site. It notes that the previous temporary permission should only be renewed if conditions previously applied had not been breached and if similar conditions could be reapplied. The society continues to object to this in principle.

## **6.0 Policy**

6.1 The relevant Local Plan policies in this application include the following:

GBC1 Appropriate Development in the Green Belt  
ENV14 Local Sites

6.2 In addition to the above it is considered that Planning Policy Guidance 2: Green Belts and Planning Policy Statement 7: Sustainable Development in Rural Areas is material considerations within this application.

**7.0 Considerations**

- 7.1 The principal issues in the determination of this application relate to the appropriateness of retaining the caravan on Green Belt land, and the impact on the local Wildlife Site.

Green Belt

- 7.2 Policy GBC1 of the Local Plan states that the construction of new buildings in the Green Belt will be considered to be inappropriate development unless it falls into one of a number of categories, none of which include the provision of a caravan or similar structure for washing facilities as is proposed in this location. The policy does allow for the erection of buildings for 'agriculture or forestry', but a landscaping and gardening contractor would not be considered an agricultural use. Otherwise permission may be granted for inappropriate development where 'very special circumstances can be demonstrated that clearly outweigh the harm by reason of inappropriateness or any other harm'.
- 7.3 The existing presence of the caravan on site is a material consideration, but the three year limit on the original permission has now been expired, and in this officer's opinion the application can be treated as a new application for a caravan on the site. The caravan's continuing presence is a matter of expediency while this application is determined, but otherwise the application is considered to involve new development for the purposes of policy GBC1.
- 7.4 The caravan has been in place for approximately three years. A number of conditions were imposed on the original permission with regard to landscaping of the site to soften the impact of the development, but these have not been complied with, and therefore the caravan is visible from outside the wooded area.
- 7.5 The commercial use of the site has ceased with the applicant describing it as a 'redundant smallholding'. Materials and equipment related to the use remain on site but are expected to be cleared in the near future. The applicant now seeks to use the caravan for his family to have washing facilities available when they visit the site for recreational purposes.
- 7.6 The caravan was initially considered to be incidental to the commercial use of the site, and the provision of a relatively modest and well-screened structure for the convenience of workers on the site throughout the day was considered to be sufficient to grant temporary

permission for the caravan.

- 7.7 The revised use of the caravan for the benefit of the owner's family is likely to be a more intermittent use, with a significant reduction in the number of days and amount of time on any day that the site would be in use. It is therefore the case that the justification for the retention of the caravan in this location is substantially less, given its prominence and the limited benefits of its retention on site.
- 7.8 The caravan is an alien feature within the rural landscape, and could not be taken for an agricultural building of a type that may be expected in a Green Belt location. Although the site is isolated it would still be overlooked by the users of adjoining land, and the caravan is a prominent feature of the site given its location and lack of screening. The retention of the caravan for recreational use would be inappropriate development that would by definition be harmful to the character of the Green Belt, as noted in PPG2 (paragraph 3.2).

#### Wildlife Site

- 7.9 Policy ENV14 requires that the Council not approve development that would have an adverse effect on a Wildlife Site unless it can be proven that the need outweighs the need to safeguard the conservation value of the site.
- 7.10 Both HMWT and HBRC have expressed concerns about the impact of the use of the site for commercial purposes, and the construction of the various buildings on site.
- 7.11 The commercial use of the site has now ceased, and the removal of materials dumped at the site should shortly follow. The buildings other than the caravan are lawfully present on site.
- 7.12 Once the caravan and materials have been removed, management of the site can help with the restoration of the landscape.

#### Traffic

- 7.13 From the residents' submissions, it seems that the majority of traffic related to the site has been generated by either the agricultural use of the site, or the use of the site for recreational purposes.
- 7.14 The applicant has acknowledged that the commercial use of the site has ceased, and that measures are being taken to remove the dumped

materials from the site. Once this has occurred, the level of traffic using the road should be significantly reduced.

- 7.15 The site and adjoining fields have been used on occasion by the applicant's family for racing quad bikes and other vehicles. This activity is lawful for up to fourteen days a year without planning permission. It is understood that this generates traffic along the access road. The matter is being investigated by Enforcement officers.

## **8.0 Conclusion**

- 8.1 The retention of the caravan would constitute inappropriate development in this Green Belt location. It would be harmful to the openness and rural character of the site, and would therefore be contrary to policy GBC1 of the East Herts Local Plan Second Review April 2007.
- 8.2 No evidence has been provided to show that very special circumstances exist that would clearly outweigh the harm by its inappropriate uses and to the openness and rural character of this Green Belt site from the proposed retention of the caravan. For this reason, it is recommended that planning permission be refused for the proposed development, and that authorisation be given to issue and serve a Planning Enforcement Notice requiring the removal of the caravan from the site.