

E/09/0275/A - Unauthorised residential use of land adjacent to The Little Thatched Barn, East End, Furneux Pelham, SG9 0JT

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 cessation of the unauthorised use of the land for the siting of a caravan/mobile home used for permanent residential purposes and the removal of the caravan/mobile home from the land.

Period for compliance: 3 months.

Reasons why it is expedient to issue an enforcement notice:

1. The 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 residential development is contrary to this policy, set out at policies GBC2 & GBC3 within the East Herts Local Plan Review April 2007.
2. The development is detrimental to the setting of the adjacent Listed Building, contrary to policy BH12 of the East Herts Local Plan Second Review April 2007.
3. The development by reason of its 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 and quality of the area. The development 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 on the south side of the un-named road through East End about 250 metres east of the junction with Ginns Road, to the west of the curtilage of The Little Thatched Barn, a Grade II listed building.

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- 1.2 In June 2009 a concern was expressed to the Council that a mobile home had been sited on the above land, to the west of the curtilage of the dwellinghouse, and was being used residentially.
- 1.3 An enforcement officer visited the site and spoke to the owner, who stated that his family were currently living in the mobile home whilst repairs to the frame of the house were being undertaken. He denied that the mobile home was being lived in by a third party who paid rent, which had been alleged. He also stated that it was anticipated that the residential use of the land would cease by August, or at the latest, September 2009.
- 1.4 The Enforcement officer wrote to the owner in July 2009 informing him that planning permission was required for the residential use of the land. Given the anticipated timescale, the officer stated that if the use ceased by the end of September 2009 it would not be expedient to require the submission of an application. However, should the use continue for a longer period then a retrospective planning application would be required.
- 1.5 The enforcement officer noted, on a number of occasions after the end of September 2009, that the mobile home had not been so removed. On a site visit in December he noted that the mobile home was still apparently in residential use on the land.
- 1.6 The officer wrote to the owner on 4th January 2010 requiring him to either submit a planning application for the residential use or to remove the mobile home from the land within 28 days. The owner was also warned that a failure to take any action would result in the matter being reported to Committee.
- 1.7 There has been no response to that letter and the mobile home is still on the site.
- 1.8 Photographs of the site will be available at the meeting.

2.0 Planning History

- 2.1 There is no recent planning history for the site, although the house adjoining the land has had permission and consent for extensions.

3.0 Policy

- 3.1 The relevant policies in this matter are:-

GBC2 – The Rural Area Beyond the Green Belt

GBC3 – Appropriate Development in the Rural Area Beyond the Green Belt

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BH12 – Development Affecting the Setting of a Listed Building
ENV1 – Design and Environmental quality

4.0 Considerations

- 4.1 In this matter, the main issues to be considered are the inappropriate residential use of the land sited within the Rural Area Beyond the Green Belt as defined within the adopted East Herts Local Plan and the impact of the unauthorised development upon the setting of the adjacent listed building and upon the wider area of East End in which it lies.
- 4.2 Officers' consider that this inappropriate residential use of the land within the Rural Area is harmful to the significant rural resource that the Rural Area comprises.
- 4.3 Officers further consider that the mobile home is of a poor standard of design with an inappropriate choice of materials that are harmful to the adjacent listed building and to the hamlet of East End in which it lies.

5.0 Recommendations

- 5.1 It is therefore recommended that authorisation be given to issue and serve a Planning Enforcement Notice requiring the cessation of the use of the land for the siting of a mobile home used for permanent residential purposes and the removal of the mobile home from the land.