

E/09/0050/B – Unauthorised change of use of land to commercial purposes at land adjacent to garages at rear of 1 Pilgrims Row, Westmill, Buntingford, SG9 9LQ.

Parish: WESTMILL

Ward: MUNDENS AND COTTERED

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.

Period for compliance: 1 month

Reasons why it is expedient to issue an enforcement notice:

1. The site lies within the Rural Area as defined in the East Herts 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 development is prejudicial to this policy as set out in policies GBC2 and GBC3 of the East Herts Local Plan Second Review April 2007.
2. The use of the land and structure for commercial purposes has resulted in an increase in activity at the site and vehicle usage of the access to and from the shed to the detriment of the amenity of neighbouring properties. The development is thereby contrary to policies ENV1 and TR20 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 located in the heart of the village of Westmill, south of Buntingford. The land is behind Pilgrims Row and adjacent to a double garage block.
- 1.2 In January 2007 concerns were expressed to the local planning authority about the use of the garages as a delivery point for newspapers early in the morning. Upon contact with the owner, officers sought details of the following: -

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3.0 Policy

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

- GBC2 – The Rural Area Beyond the Green Belt
- GBC3 - Appropriate Development in the Rural Area Beyond the Green Belt.
- TR20 - Development generating traffic on rural roads
- ENV1 – Design and Environmental Quality

4.0 Considerations

4.1 The determining issues in this case relate to policy and the impact of the unauthorised use on the amenities of nearby residential properties.

4.2 The site lies within the Rural Area, as defined in the Local Plan, wherein permission will not be given for changes of use except for certain purposes specified in policy GBC3. The commercial use the subject of this report does not fall within the criteria referred to in that policy and no material planning considerations are apparent, or have been adduced by the applicant, to justify a departure from Local Plan policy in this case. The lack of a valid application for retrospective planning permission means that the Council cannot impose suitable conditions which might restrict the extent and nature of the use or its hours of operation. As such, there is concern that an unrestricted commercial use may become lawful through the passage of time.

4.3 Near neighbours have complained that the use of the land for newspaper deliveries, with a bulk delivery early in the morning, has resulted in unacceptable disturbance. It is reported that the disturbance starts as early as 5:30 hrs every morning and officers consider that this fails to respect the amenities of the occupiers of nearby residential properties. It results in a greater degree of traffic movement and activity within the site than would be the case for a residential use and is not considered to be appropriate in this rural locality. The unauthorised use is therefore contrary to policies ENV1 and TR20 of the Local Plan.

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5.0 Recommendation

- 5.1 For the above reasons, it is recommended that authorisation be given to issue and serve a Planning Enforcement Notice requiring the cessation of the unauthorised use.