

**E/08/0320/B – The unauthorised laying of hard surfacing and unauthorised use of the land for the storage of building materials, plant and container at Woodlands, West End Road, Wormley, EN10 7QN**

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**Parish: BRICKENDON LIBERTY CP**

**Ward: HERTFORD HEATH**

**RECOMMENDATION**

- A) 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 removal of the hard surfacing, a metal frame base unit and large container from the site; and the cessation of the use of the land for the storage of building materials, plant and machinery.
- B) That the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to issue and serve a Notice under s.215 of the Town and Country Planning Act 1990 and such other steps as may be required to secure the improvement of the site by:

The removal of all the unauthorised hard surfacing material; building materials; items of refuse - including plastic containers, bags, and oil drums; plant and machinery; and a large container from the land.

Period for compliance:

- A) 1 month
- B) 1 month

Reasons why it is expedient to issue an enforcement notice:

1. The use of the land for the storage of building materials, plant and containers; the laying of unauthorised hard surfacing across a large area of the land and the laying of a metal frame base unit is detrimental to the openness of the area which is within the Metropolitan Green Belt and therefore contrary to saved policies GBC1 and ENV2 of the East Herts Local Plan Second Review April 2007.
2. The site falls within a Wildlife Habitat (71/049), a natural grass land meadow supporting a rich diversity of herb species dominated by Meadow Buttercup. The use of the land for the storage of building materials, plant and containers and the laying of the hard core will adversely affect the wildlife of this site and its setting, contrary to saved policy ENV17 of the East Herts Local Plan Second Review April 2007.

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Reason why it is expedient to issue a s.215 notice:

1. The condition of the land is detrimental to the character, appearance and amenity of the surrounding rural area.

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### **1.0 Background**

- 1.1 The site is shown on the attached Ordnance Survey extract. It is located on the southern edge of the district adjacent to the boundary with Broxbourne district in Wormley West End. The area covers some 12 acres of agricultural land within the Metropolitan Green Belt, an Area of Archaeological Significance and a Wildlife Site.
- 1.2 On the 14<sup>th</sup> March 2002 this local planning authority granted prior approval under reference 3/02/0396/A for a hay barn on the site. This approved development was apparently commenced (by the commencement of its foundation pads) within the statutory time limit of five years from the date of the decision.
- 1.3 On the 18<sup>th</sup> December 2002 an application was received, under reference 3/02/2621/FP seeking planning permission for a green burial ground with associated chapel, equipment store and car park. The application was refused on Green Belt, Landscape Conservation Area and car parking policy reasons.
- 1.4 A subsequent prior approval application, under reference 3/07/0484/PA for a second barn on the site was refused as the local planning authority considered that the proposed development did not constitute permitted development under the terms of Schedule 2, Part 6 of the Town and Country Planning (General Permitted Development) Order 1995 and therefore planning permission was required.
- 1.5 In June 2008 a complaint was received by this Council concerning works that were being carried out within the site that may require planning permission. During a site visit in July 2008, officers noted and photographed the commencement of the erection of the frame of a large barn; the laying of a large area of hard standing with rubble and hard core; and the laying of a metal frame to be used as a base for stables.
- 1.6 The owner was advised by letter that, whilst the barn may be being built under 'permitted development', subject to its intended use, the other developments were unauthorised and required planning permission which had not been sought or granted. To ensure that officer's enquiries were

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correct the owner was also sent a 'Planning Contravention Notice' seeking further information about the developments on site.

- 1.7 The reply, from the owners agent, confirmed that land had been used for the grazing of horses for many years; the stables would be moveable and would not require permission and the hard standing was temporary, to allow a clean environment for construction workers and for delivery vehicles to manoeuvre and turn on site. This material would be covered over and the land re-seeded.
- 1.8 It was however pointed out to the owner that if the land had been in equine use for some years this contradicted the information contained in the submission of the application for the hay barn on agricultural land and could result in the barn structure itself being unlawful. Whilst the stables may be movable, there was no reference to the metal frame base; and the covering over of the hard standing was not acceptable.
- 1.9 No response has been received and there has been no further work on site. The site has been offered for sale by agents to include the following erroneous statement - 'planning permission sought for static home park'. The agent has been advised of this error.
- 1.10 As the development of the barn has not been completed the condition of the site has deteriorated, with the large area of hard standing and the metal frame base unit remaining. The land also appears to be used for the storage of building materials, plant, machinery and a container to the detriment of the local area.
- 1.11 Photographs of the site will be made available at the meeting.

## **2.0 Planning History**

2.1 The following planning history is of relevance in this matter:-

3/02/0396/PA	Hay Barn	Prior Approval Granted
3/02/2621/FP	Green burial ground	Refused
3/07/0484/PA	Hay Barn	Prior Approval Refused

## **3.0 Policies**

3.1 The relevant policies in this matter are:-

GBC1	Metropolitan Green Belt
ENV2	Landscaping

ENV17 Wildlife Habitat  
BH1 Area of Archaeological Significant,

#### **4.0 Considerations**

- 4.1 The site is within the Metropolitan Green Belt wherein there is a presumption against inappropriate development.
- 4.2 The barn itself does benefit from prior approval granted under reference 3/02/0396/PA. It does also appear to have been commenced within the 5 years following the grant of that permission, in that its foundation pads were constructed within that period. Furthermore, the elements of the barn so far constructed appear to be in accordance with the approved plans and Officers are satisfied that this barn does not represent a breach of planning control, provided of course that it is completed in accordance with the approved plans and is used for the approved use.
- 4.3 The extensive area of hard surfacing material however, was not shown on the approved plans and, in the view of officers, does not constitute “permitted development”. It is not required for a genuine agricultural use on the site, and even if it were, its area is excessive and would require planning permission. The owner’s agent had indicated that this was a temporary development only but Officers consider that this would still have required planning permission and, in any event, bearing in mind the length of time that hard surfacing has now been in situ, it cannot be considered as temporary.
- 4.4 The metal frame on the site is apparently intended to be the base of a stable block. No planning permission has been sought for this and indeed the lawful use of the site for equestrian purposes has not been established, although the owner was advised to do so via a certificate of lawfulness application.
- 4.5 Officers consider that the unauthorised hard surfacing, the stable frame, and the unauthorised large metal container on the site are all inappropriate development in the Metropolitan Green Belt, which adversely affects its openness, character and appearance. No very special circumstances are apparent to justify a departure from Green Belt policy and Officers therefore recommend that an enforcement notice be served requiring the removal of these developments.
- 4.6 In addition, the condition of the site is a cause for concern. Work on the barn ceased some time ago, but it remains in use for the storage of builder’s materials, plant, machinery, a large metal container and various items of refuse. Whilst it could be argued that the building materials, plant

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and the container are on site for the completion of the partly constructed barn, it should be considered that no work has proceeded on the development since July 2008, some two years ago, and therefore they are not currently being used or required on the site. It can also be argued that the hard surfacing which consists largely of rubble and builders waste, is no longer required as building works are no longer being undertaken and therefore there is no need for a vehicle turning area on the site.

- 4.7 Officers therefore consider that a s.215 notice should also be served requiring the removal of any rubble and builders waste and the removal of the large container (in parallel with the requirements of the enforcement notice). The notice should also require the tidying up of the site by the removal of items of refuse - including plastic containers, bags, and oil drums; plant and machinery from the land.

### **5.0 Recommendation**

- 5.1 It is therefore recommended that authorisation be given to issue and serve an enforcement notice and a s.215 Notice requiring the cessation of the use of the site for the storage of building materials, plant and containers, and the removal of the hard surfacing, building materials, plant, container and metal frame base unit from the land.