

**5n E/10/0020/B - Unauthorised erection of an outbuilding within the curtilage of Orchard Cottages, Epping Green, SG13 8ND**

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**Parish: LITTLE BERKHAMSTED**

**Ward: HERTFORD RURAL SOUTH**

**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 unauthorised building.

Period for compliance: 3 months.

Reasons why it is expedient to issue an enforcement notice:

1. The cumulative effect of the outbuilding, together with the extensions previously added to the property, has resulted in disproportionate additions, out of keeping with the character and appearance of the original dwelling, and to the detriment of the openness of the Green Belt, and the character and appearance of the area, thereby contrary to saved policies GBC1, ENV1, and ENV5 of the East Herts Local Plan Second Review April 2007 and to national planning policy contained in PPG2.
2. The outbuilding by reason of its size, scale and design, and in particular the roof form is of a poor standard of design unsympathetic to the character and appearance of the existing dwelling and neighbouring properties and would thereby be contrary to saved policies ENV1 and ENV5 of the East Herts Local Plan Second Review April 2007 and to national planning policy contained in PPS1 at paragraph 34.

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**1.0 Background**

- 1.1 The site is shown on the attached Ordnance Survey extract. It is a remote property accessed from a track off Epping Green; itself accessed from Church Road about 300 metres north of the junction with Ashdene Road.
- 1.2 In January 2010 a concern was expressed to the Authority with regard to an unauthorised residential outbuilding at the site. A planning history search revealed that a certificate of lawful use had been granted (3/07/0471/CL) for an outbuilding on 1<sup>st</sup> May 2007. That building, which resembled a log cabin,

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measured 9.5 metres by 6 metres by 4 metres in height and accorded to the requirements of Class E of Part 1 Schedule 2 to The Town and Country Planning (General Permitted Development) Order 1995 (as amended).

- 1.3 Following the grant of the certificate of lawful use, the owner wrote to the case officer asking if he would be permitted to change the materials of construction for the approved building. The officer replied, in a letter dated 28<sup>th</sup> June 2007, that “providing the siting and dimensions of the building remain as per the details submitted for the Certificate of Lawfulness, then it will remain as Permitted Development albeit not covered by the Certificate”.
- 1.4 The enforcement officer visited the site on 26<sup>th</sup> January 2010. Whilst there was no-one on site the building under construction bore no relationship to that detailed in the certificate of lawful use application under 3/07/0471/CL. The building was considerably larger, of a residential appearance and of brick and weatherboarding construction over a green Oak frame. There was a complex tiled roof structure with rooflights and French doors. The building also had two floors for part of its length.
- 1.5 The enforcement officer again visited the site on 2<sup>nd</sup> February 2010 and met the owners. The building measured 18.9 metres by 5.9 metres and was 4.55 metres high at the highest point. The owners stated that the single storey element of the building was to house an indoor swimming pool and the two storey element was for use as a garden room.
- 1.6 The height and (part) two storey nature of the building alone meant that the building was not permitted under the terms of Class E of Part 1 Schedule 2 to The Town and Country Planning (General Permitted Development) Order 1995 (as amended). Accordingly the building required planning permission.
- 1.7 An application for planning permission for the outbuilding was submitted under application number 3/10/0563/FP. It was refused planning permission, under delegated powers, on 23<sup>rd</sup> June 2010.
- 1.8 Whilst it is still open to the owners to appeal against the refusal to grant planning permission, officers’ consider that the building is clearly contrary to Green Belt policy and that the service of a planning enforcement notice would allow the contemporaneous appeals of both the planning refusal and the enforcement notice, should the owner so choose. Such action would reduce both the duplicated costs and time taken by separate appeals for both parties.
- 1.9 Photographs of the site will be available at the meeting.

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### **2.0 Planning History**

2.1 The most recent planning history for the site can be summarised as follows:-

3/71/2343/FP	Extension to bungalow	Approved.
3/07/0471/CL	Erect log frame outbuilding using wood from sustainable forest onto concrete base	Approved.
3/10/0563/FP	Erection of outbuilding for use as a leisure building – summerhouse, fitness room and exercise pool room - retrospective	Refused.

### **3.0 Policy**

3.1 The relevant saved policies of the Local Plan in this matter are:-

- GBC1 - Appropriate Development in the Green Belt
- ENV1 - Design and Environmental Quality
- ENV5 - Extensions to Dwellings

National Planning Policy guidance also relevant to this matter is paragraph 34 of PPS1 and paragraphs 3.4 and 3.6 of PPG2.

### **4.0 Considerations**

4.1 In this matter the main issues to be considered are:-

- 1) whether the proposal is inappropriate development within the Green Belt;
- 2) the impact of the development on the openness of the Green Belt, the character and appearance of the area, and on the character and appearance of the existing dwelling; and
- 3) if the proposal is inappropriate development, whether the harm by reason of inappropriateness is outweighed by other very special circumstances necessary to justify the development.

4.2 National and local policy require that the erection of an outbuilding will be expected to be of a scale and size that would either by itself or cumulatively with other extension(s), not disproportionately alter the size of the original dwelling nor intrude into the openness or rural qualities of the surrounding area. Officers' consider that the outbuilding does not comply with policy

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ENV5, and thereby GBC1, because the cumulative size of this and previous extensions have disproportionately altered the size of the original dwelling. The outbuilding is considered to amount to inappropriate development within the Green Belt, and as stated in paragraph 3.2 of PPG2, inappropriate development is, by definition, harmful to the Green Belt.

- 4.3 PPG2 advises that very special circumstances to justify inappropriate development will not exist unless the harm, by reason of inappropriateness and any other harm, is not clearly outweighed by other considerations. Officers' consider that the applicant has failed to demonstrate that there are any very special circumstances in this case that outweigh the harm to the Green Belt.
- 4.4 Furthermore, officers' consider that the development is especially large and out of scale with the existing dwelling. The roof form is unusual and bulky; it is out of keeping with the roof style of the existing dwelling and other neighbouring properties and does not complement the existing dwelling. The roof and upper part of the outbuilding is also particularly prominent when viewed from the garden of Woodcock Place. Accordingly it fails to meet the high standard of design and layout required by policy ENV1 and by paragraph 34 of PPS1.

### **5.0 Recommendation**

- 5.1 It is therefore recommended that authorisation be given to issue and serve a Planning Enforcement Notice with regard to the unauthorised outbuilding at the site.