

E/07/0610/B - The unauthorised use of the land for purposes incidental to the residential use of Bayfordbury Mansion and the erection of an unauthorised greenhouse and raised horticultural bed on land at Bayfordbury, Hertford, SG13 8RE

Parish: BAYFORD

Ward: LITTLE AMWELL

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; the removal of the unauthorised greenhouse and raised horticultural bed and the restoration of the land to its former condition.

Period for compliance: 1 month

Reasons why it is expedient to issue an enforcement notice:

1. The land forms part of a Grade II* registered park and garden of special historic interest, listed by English Heritage as being considered to be of national importance. The allotment style use and development of the site, ancillary to the residential use of Bayfordbury Mansion, significantly harms the special character and appearance of the park and the setting of the listed mansion. Accordingly the development is contrary to Policy BH16 of the East Hertfordshire Local Plan Second Review April 2007 as supplemented by the Historic Parks & Gardens Supplementary Planning Document September 2007.
2. The 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, essential small scale facilities for participatory sport and recreation or other uses appropriate to a rural area. The development does not fall within these criteria and does not maintain openness in the area. It is therefore contrary to policy GBC1 of the East Herts Local Plan Second Review April 2007
3. The greenhouse and raised bed, by reason of their size, design, appearance, materials, are detrimental to the character and appearance of the surrounding area. Accordingly they are contrary to Policy ENV1 of the East Hertfordshire Local Plan Second Review April 2007

1.0 Background

- 1.1 The site is shown on the attached Ordnance Survey extract. It is located to the north-west of Bayfordbury Mansion (opposite the Riverside Garden Centre) and is now known to the Land Registry as being Plot 29, Bayfordbury Campus, Lower Hatfield Road, Hertford. It is situated in the Metropolitan Green Belt.
- 1.2 Members may recall that in early 2000 the Council became aware of a proposal for the whole section of the historic garden to be sold off into 68 smaller plots measuring from 0.4 to 0.45 hectares. As a result, an Article 4 Direction was served on the land which brings within control certain developments which might not otherwise require planning permission. The plot the subject of this report lies within that Article 4 land.
- 1.3 The Article 4 Direction was subsequently approved by the Secretary of State in June 2000, upholding the decision that the provision or maintenance of gates, fences, walls or other means of enclosure; the uncontrolled use of the land for temporary periods; the provision of moveable structures and the carrying out of any of the types of permitted development on agricultural land could cause serious harm to the openness of the Green Belt and the character of the registered historic parkland.
- 1.4 On 20th December 2007 the enforcement officer visited the site following concerns expressed by members of the public. He found that a section of this land contained the greenhouse, a raised bed and two fencing panels and appeared to be used as a domestic vegetable garden. There was no indication of the ownership of the land at this time.
- 1.5 On 7th January 2008, the enforcement officer wrote to the land owner informing him of the restrictions on the land and requesting that he contact him. The owner, who also owns property in Bayfordbury Mansion, stated his intention to grow vegetables for his family on the site. He was informed, both verbally and by a further letter, of the restrictions on the land but stated that he intended to apply for planning permission for the use and development.
- 1.6 Following initial contact from the owner's planning agent in January 2008, there has been no further contact from the owner or his agent. Telephone calls and e-mails to the planning agent have not been returned.
- 1.7 Further site visits show that the fence panels are no longer in place but the greenhouse and raised horticultural bed are still in place. It is considered that the development on site and the use of the land as an allotment to serve the nearby dwellinghouse is causing serious harm to both the

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character of the historic garden and to the openness of the Metropolitan Green Belt.

1.8 Photographs of the site will be available at the Committee meeting.

2.0 Planning History

2.1 The recent planning history is as follows: -

There is no recent planning history for this site.

3.0 Policy

3.1 The relevant policies in this matter are:-

GBC1 – Appropriate Development in the Green Belt

ENV1 – Design and environmental quality

BH16 – Historic Parks and Gardens

4.0 Considerations.

4.1 In this matter, the main issues to be considered are the impact of the unauthorised development and use on the character and appearance of the surrounding Grade II* listed garden, the setting of the adjacent Grade II* listed building and on the openness of the Metropolitan Green Belt. It is considered to be contrary to Metropolitan Green Belt policy as the development is 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. Furthermore, it does not maintain the openness of the Green Belt.

4.2 Officers consider that the allotment style use of the land coupled with the design, scale and materials of the unauthorised development is out of keeping with, and detrimental to, the appearance and character of the area as a whole.

5.0 Recommendation

5.1 It is therefore recommended that authorisation be given to issue and serve a Planning Enforcement Notice requiring the cessation of the unauthorised use and the removal of the unauthorised developments.