

EAST HERTS COUNCIL

DEVELOPMENT CONTROL COMMITTEE – 7 DECEMBER 2011

REPORT BY DIRECTOR OF NEIGHBOURHOOD SERVICES

6. UPDATE ON ENFORCEMENT ACTION OF THE LAND NORTH OF THE OLD COACH ROAD, BIRCH GREEN, HERTFORD, SG14 2LP

WARD(S) AFFECTED:     HERTFORD RURAL SOUTH

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**Purpose/Summary of Report**

- 1.1     To update Members on recent enforcement action at the above site.

<b><u>RECOMMENDATION FOR DECISION:</u></b> that	
(A)	The report be noted and the enforcement action taken in respect of this site be endorsed.

2.0     Report

2.1     Members will recall that the Development Control Committee was updated on the enforcement action at the land north of the Old Coach Road, Birch Green, Hertford, SG14 2LP at the meeting on 17 September 2011. A site plan showing the site is attached.

2.2     Since the report your officers have given evidence in High Court in regard to the breach of the Injunction and the case has been proven. The appellants have been sentenced to suspended prison sentences and the main appellant is still required to remove up to 50% of the unauthorised hard standing on the site and not to use the land for residential purposes.

2.3     After consultation and advice from Counsel, it was considered expedient to withdraw the previously authorised enforcement Notices. This action was confirmed and agreed by the Chairman of the Development Control Committee, as an urgent matter in accordance with the Council's Scheme of Delegation.

2.4     In terms of the notice for the 'material change of use' of the land, it

was considered that the appellants had complied with the notice, as the caravans had vacated the land and there being no residential use. The withdrawal of the notice does not jeopardise any control over the use of the land as the Injunction remains in force, unless superseded by a planning permission.

- 2.5 In regard to the 'operational development' notice, this required the removal of all the hard standing on the site and the reinstatement of the land, within a period of 6 months, a period originally considered necessary to coincide with the same compliance period for the other notice in respect of the residential use. However, as that notice has now been withdrawn, it was considered expedient to withdraw this 'Operational Development' notice and re-issue it with a shorter period for compliance of one month. This was served on interested parties on the 21 October 2011.
- 2.6 The withdrawal of the notices will result in the withdrawal of the linked appeals which had previously been lodged. The new notice was issued and served on the 21 October 2011, coming into effect on the 21 November 2011, requiring within one month, the removal of the hard surfacing and the reinstatement of the land to its former condition. The appellants will of course still have the right to appeal the re-issued notice in respect of the hard surfacing on the site, although as at the time of writing this report, we have no evidence of an appeal being lodged with the Planning Inspectorate.
- 2.7 An application seeking planning permission for the change of use of land to a private Gypsy and Traveller caravan site was received by the Council on the 30 August 2011, under reference 3/11/1511/FP. It was registered on the 15 November 2011, with a determination date of the 10 January 2011.
- 2.8 The above information is correct and up-to-date at the time of writing this report; however further information, if necessary, will be given verbally at the meeting.

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for Community Safety and Environment

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## ESSENTIAL REFERENCE PAPER 'A'

Contribution to the Council's Corporate Priorities/ Objectives (delete as appropriate):	<p><b>Caring about what's built and where</b> <i>Care for and improve our natural and built environment.</i></p> <p><b>Shaping now, shaping the future</b> <i>Safeguard and enhance our unique mix of rural and urban communities, ensuring sustainable, economic and social opportunities including the continuation of effective development control and other measures.</i></p>
Consultation:	Not subject to consultation.
Legal:	Enforcement notices are all subject to consultation with the Legal Manager.
Financial:	Enforcement Notices can result in appeals with associated costs.
Human Resource:	None.
Risk Management:	Risks associated with enforcement action are considered prior to the decision to take formal action.