

**5n E/11/0403/A – Unauthorised use of units for Class B2 (General Industrial) use at units 5A and 5B, Hadham Industrial Estate, Little Hadham, Herts, SG11 2DY**

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**Parish: LITTLE HADHAM**

**Ward: LITTLE HADHAM**

**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 units 5a and 5b.

Period for compliance: 2 Months

Reasons why it is expedient to issue an enforcement notice:

1. The use of the units for a B2 use in close proximity to nearby neighbouring properties results in an unacceptable impact on neighbour amenity in terms of noise and general disturbance contrary to policy ENV1 of East Herts Local Plan Second Review April 2007.
2. The B2 use of the units intensifies the use of an access road and junction onto the highway network which is of insufficient standard by virtue of width, alignment and junction configuration to safely and satisfactorily accommodate traffic movements without detriment to the free and safe flow of traffic on the A120 and Church End.

\_\_\_\_\_ (040311A.PD)

**1.0 Background:**

- 1.1 The application site is shown on the attached OS extract. It is located within a large complex of buildings which were previously all used as part of Church End Farm. The site is accessed via a no through road from the A120, the last 80 metres of which is an unmade track. It contains a number of buildings used for a range of different uses, including a farm business and a number of B1 and B8 uses.
- 1.2 Following a concern that had been raised by a local resident that the units were being occupied by persons carrying out unauthorised uses of the units a site visit was made with the owner of the site in January 2012 when it was found that unit 5A was occupied by an engineering

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company and that unit 5B was occupied by a company storing used tyres.

- 1.3 Both the units have an authorised use for Class B1 (light industrial) and Class B8 (storage) purposes and therefore at the time of the visit the owner was advised that the use of unit 5A was considered to fall within Use Class B2 (General industrial) and that there had been a material change of use of the property for which planning permission was required.
- 1.4 With regards to unit 5B at the time of the site visit, it was considered that the storage of used tyres fell within Use Class B8 (storage) and therefore it was considered as lawful at that time. However, it has since come to the attention of Officers that the unit is now being used by a tyre fitting and vehicle servicing company which, again, is considered to be a Class B2 or sui generis use for which planning permission is required.
- 1.5 An application for retrospective planning permission for these uses was submitted on 6<sup>th</sup> February 2012 under reference 3/12/0210/FP for a change of use of units 5A and 5B from Class B1 and B8 uses to Classes B1/B2 and B8. After due consideration, however, the application was refused planning permission for the following reasons:
1. The siting of a B2 use in close proximity to nearby neighbouring properties results in an unacceptable impact on neighbour amenity in terms of noise and general disturbance contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.
  2. The development intensifies the use of an access road and junction onto the highway network which is of insufficient standard by virtue of width, alignment and junction configuration to safely and satisfactorily accommodate the associated traffic movements without detriment to the free and safe flow of traffic on the A120 and Church End.

## **2.0 Planning History:**

- 2.1 The recent planning history in respect of these two units is as follows:

3/07/2560/FP	Change of use of 2 buildings from agricultural to B1 and B8	Approved with conditions
3/12/2012/FP	Change of use from B1 and B8 to B1,B2 and B8	Refused

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### **3.0 Policy:**

3.1 The relevant policies of the adopted Local Plan in this matter are;-

GBC2 - The Rural Area Beyond the Green Belt

GBC3 - Appropriate Development in the Rural Area beyond The Green Belt

ENV1 - Design and Environmental Quality

ENV24 - Noise Generating Development

3.2 In addition, the recently published National Planning Policy Framework is relevant and replaces previous national planning policy guidance.

### **4.0 Considerations:**

4.1 The two units are located at the end of Church End which links to the A120. From the junction and for approximately 200 metres, the road appears of a solid construction but thereafter, and leading into the site, the material alters to loose gravel/crushed hardcore. There are residential properties at Church End, those closest to the application site are Church End Cottages. Further to the east and at a distance of some 250-300metres are the residential dwellings associated with Hadham Hall. A public right of way runs into the site from the north west and links to the north east with Hadham Hall.

4.2 Since the Hadham Water operation ceased at Church End Farm there have been a number of applications for the re-use of various buildings on the site. As regards these two units, planning permission has previously been granted for the re-use of the former agricultural building for business use comprising of Use Classes B1 (light industrial) and B8 (storage). The principle of the adaptation and reuse of the buildings has therefore been considered acceptable by the Council, and considered to accord with policies GBC3, GBC9 and GBC10 of the Local Plan. Having regard to that previous decision, Officers consider that the reuse of the building for a Class B2 (General Industrial use) is also acceptable, in principle, subject to satisfactory access arrangements and amenity considerations.

4.3 However, the particular location of these two units in close proximity to nearby residential properties is a material consideration of significant weight. Furthermore, the restricted access to the site and the poor junction with the A120 are matters which weigh significantly against the acceptability of the use.

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- 4.4 The units are located 15 metres (as a minimum) to the nearest residential unit at 4 Church End Cottages, with numbers 1, 2 and 3 sited further away. To the east, number 2 Church End Cottages is sited approximately 30 metres from the units.
- 4.5 The provision of a Class B2 (General Industrial) use within the two units is not considered appropriate as it results in significant harm to neighbour amenity in terms of noise and general disturbance. The recent retrospective application (ref: 3/12/0210/FP) resulted in the submission of 11 letters of objection which evidence this harm and can be summarised as follows:
- Inappropriate form of development in rural area;
  - Impact on neighbour amenity in terms of noise and general disturbance;
  - Details in application form/documents inaccurate – site is visible from bridleway; current uses occupy with doors open; floor areas are inaccurate; neighbours have not been consulted by applicant;
  - Impact on highway safety;
  - Increased traffic generation/congestion
- 4.6 In addition to that harm, the Highway Authority also raised objections to the uses on highway grounds. These concerns relate to the road width and alignment of Church Lane and its relationship with the junction onto the A120 which is considered to be unacceptable in terms of the impact on the free and safe flow of traffic on the primary route of the A120 itself.
- 4.7 Whilst, therefore, the re-use of agricultural buildings can be supported in principle, the particular location of these units render their use for Class B2 purposes unacceptable in terms of amenity and highway safety. These matters are considered to outweigh the benefits of the use which, in the recent retrospective application were stated to be:
- Application makes beneficial use of redundant agricultural buildings;
  - Provides employment generation;
  - Refusal of planning permission would involve job loss;
- 5.0 Recommendation:**
- 5.1 For the reasons given above, therefore, it is recommended that authorisation be given to issue and serve an enforcement notice requiring the cessation of the unauthorised uses of these two units.