

**5q E/12/0156/A – Unauthorised engineering operations to reduce site levels and create additional access/parking area at the northern side of 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 s.172 of the Town and Country Planning Act 1990 and any such further steps as may be required to cease any commercial use of the land and restore the land to its former condition including the previous landscaped bank.

Period for compliance: 6 months

Reasons why it is expedient to issue an enforcement notice:

1. The site lies within the Rural Area as defined in the East Herts Local Plan where development will only be allowed for certain specific purposes. There is insufficient justification for the development and the provision of a change in levels and associated hard standing and parking area is contrary to the aims and objectives of the Rural Area policies and results in harm to the rural, agricultural character and appearance of the surroundings. The development is thereby contrary to policies GBC3 and ENV1 of the East Herts Local Plan April 2007.

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**1.0 Background:**

- 1.1 The site is shown on the attached Ordnance Survey extract. It is located west of Bishops Stortford along the A120. The site is located within Hadham Industrial Estate which previously consisted of a collection of agricultural buildings associated with Church End Farm, many of which have now been converted into light industrial units.
- 1.2 Planning permission was granted in 2006 for an extension to an existing building on the northern part of the site within LPA reference 3/06/1994/FP. The owner of the site has indicated that when that permission started to be implemented (a matter which Officers do not consider has been established formally), earthworks took place which did not benefit from planning permission. The site has been levelled and effectively expanded to the north by approximately 19 metres.

- 1.3 The applicant submitted a retrospective application for these works within application 3/12/0296/FP. The plans submitted indicated that the space to the north of the previously approved extended industrial building wherein the earthworks have taken place is proposed to be used for access to the industrial unit and 19 parking spaces. Planning permission was therefore sought for the operational development involving the earthworks and a material change of use of the land to industrial land/parking spaces.
- 1.4 That application was, however, refused planning permission on the 1<sup>st</sup> May 2012 for the following reason:

The application site lies within the Rural Area as defined in the East Hertfordshire Local Plan where development will only be allowed for certain specific purposes. There is insufficient justification for the development and the provision of a change in levels and associated hard standing and parking area is contrary to the aims and objectives of rural area polices and results in harm to the rural, agricultural character and appearance of the surroundings. The development is thereby contrary to polices GBC3 and ENV1 of East Herts Local Plan Second Review April 2007.

## **2.0 Planning History:**

- 2.1 As referred to above, the most relevant planning history for the site can be summarised as follows:

3/12/0296/FP	Reduction in site levels and excavation of land to north east and use of the land for car parking. (Retrospective).	Refused
3/06/1994/FP	Extension to existing warehouse and factory (B1 and B8).	Approved with Conditions

## **3.0 Policy:**

- 3.1 The relevant 'saved' policies of the adopted local Plan in this matter are:-

GBC3 – Appropriate Development in the Rural Area Beyond the Green Belt.  
ENV1 – Design and Environmental Quality.

3.2 The National Planning Policy Framework (NPPF) is also of relevance to this matter.

**4.0 Considerations:**

4.1 The unauthorised engineering works that have been carried out on site are extensive and do not appear to relate to the previously approved extension to the warehouse (LPA reference 3/06/1994/FP) as that development does not appear to Officers to have been implemented. It does however relate to, and is sited adjacent to an existing unauthorised development which is the subject of a recent refusal of planning permission by the County Council for the erection of a building (floor space of 1620 square metres) with associated yard, offices and weighbridge to be used for a mixed use of ELV (End of Life Vehicles) processing and tyre bailing (sui generis), B1(Office/light industrial) and B8(storage and distribution).

4.2 The site is located within the Rural Area wherein there is a presumption against inappropriate development. Policy GBC3 does set out some exceptions to this policy position, however the provision of earthworks and a change of use to facilitate an industrial use (be that for the previously approved extension to the warehouse or the ELV use sought consent with the above mentioned County Council application) does not represent such an exception. The development therefore represents inappropriate development in the rural area. Officers therefore attach significant weight to the inappropriateness of the development in the rural area.

4.3 The development that has been undertaken encroaches into the rural surroundings and extends the built form of the industrial estate further into the countryside. This involves a 19metre encroachment to the north. The alterations to the site layout and the nature of the land and its current use does not, in Officers opinion, relate well to, or is sympathetic to, the agricultural and rural setting in which the site is located. In Officers opinion, the unauthorised development results in significant harm to the character and appearance of the adjacent agricultural rural setting and surroundings.

4.4 In accordance with the above considerations, the development is considered to represent inappropriate development in the rural area which results in harm to the character and appearance of the rural surroundings, contrary to policies GBC2, GBC3 and ENV1.

4.5 Furthermore, the site owner has not put forward any convincing material considerations as to why a departure from Rural Area policy would be

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justified in this case and Officers are not aware of any overriding reasons why such a development is necessary in this location such that it would outweigh the harm caused to the surrounding area.

**5.0 Recommendation:**

- 5.1 For the above reasons, it is recommended that authorisation be given to issue and serve a Planning Enforcement Notice requiring the cessation of any commercial use of the land and the restoration of the land back to its former condition including the restoration of the previous landscaped bank.