

5L E/11/0137/B – Unauthorised use of barn for residential purposes at Punchley, Levens Green, Ware, Herts, SG11 1HD

Parish: GREAT MUNDEN

Ward: MUNDENS AND COTTERED

RECOMMENDATION:

That the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to:

- a) cease the unauthorised use of the barn for residential accommodation and
- b) reinstate the barn to its former condition in accordance with planning permission ref: 3/07/2341/FP.

Period for compliance: 6 Months

Reasons why it is expedient to issue an enforcement notice:

1. The District Council is not satisfied that this building, which was approved in 2007 for an ancillary storage use and is subject of a planning condition to retain it within this use, cannot be used for purposes that support equestrian activity, land maintenance or other uses compatible with the rural area. Furthermore, it is not considered that the building is worthy of retention such that it justifies residential conversion. The unauthorised conversion to residential use does not provide for a reasonable level of accommodation, detracts from the rural characteristics of the approved building and does not provide the minimum amenity provision of garaging and garden area. The development is thereby contrary to policies GBC3 and GBC9 of the East Herts Local Plan Second Review April 2007 and considerations of the National Planning Policy Framework.

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1.0 Background:

- 1.1 The site is shown on the attached Ordnance Survey extract. The site is located in the Rural Area beyond the Green Belt, to the west of Levens Green and is surrounded by mostly agricultural and equestrian land.
- 1.2 The building the subject of this report was granted planning permission

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on 31st December 2007 subject to a condition that it was only to be used for the storage of equipment needed for the upkeep of the land which is used for the grazing of horses and for hay baling. The approved plans had indicated the need to store a tractor, trailer, hay baler, topper, tedder and harrow within the building.

- 1.3 However, in May 2011 concerns were expressed to the Council that the owners of the agricultural barn had installed Velux windows in the roof slope which changed the character of the building without the appropriate permission.
- 1.4 Officers wrote to the site owner on 12th May 2011 but no response was received to that request for the matter to be rectified or for an application for planning permission to be submitted. Further concerns were then expressed in March 2012 that the barn was being used for residential accommodation. The matter was therefore once again raised with the owner by letter dated 20 March 2012.
- 1.5 A subsequent site visit was carried out with the owner where it was found that the barn had been converted into residential accommodation. This consists of a kitchen, lounge and bedroom on the ground floor and a bedroom and bathroom on the first floor. The owner states that this conversion occurred in late 2010.
- 1.6 The owner was advised that planning permission was required for the conversion of the barn into residential accommodation and that this current use was unauthorised and represented a breach of planning control.
- 1.7 In June 2012 a retrospective planning application was submitted under reference 3/12/0974/FP for the change of use of the barn and for the alterations to its design in the form of the new openings and fenestration. After due consideration, planning permission was refused on the 29 August 2012 for the following reason:
 1. The District Council is not satisfied that this building, which was approved in 2007 for an ancillary storage use and is subject of a planning condition to retain it within this use, cannot be used for purposes that support equestrian activity, land maintenance or other uses compatible with the rural area. Furthermore, it is not considered that the building is so worthy of retention that it justifies residential conversion. The unauthorised conversion to residential use does not provide for a reasonable level of accommodation, detracts from the rural characteristics of the approved building and does not provide the minimum amenity provision of garaging and

garden area. The development is thereby contrary to policies GBC3 and GBC9 of the East Herts Local Plan Second Review April 2007 and considerations of the national Planning Policy Framework.

2.0 Planning History:

2.1 The recent planning history is as follows:

3/07/1392/FP	Erection of barn	Refused
3/12/2341/FP	Erection of barn	Approved with conditions.
3/12/0974/FP	Change of use of barn to residential	Refused

3.0 Policy:

3.1 The relevant policies in this matter are:

GBC3 – Appropriate Development in the Rural Area beyond the Green Belt.

GBC9 – Adaptation and Re-use of Rural Buildings.

3.2 The National Planning Policy Framework (NPPF) is also of relevance in this case.

4.0 Considerations:

4.1 The site is located in the Rural Area beyond the Green Belt wherein there is a presumption against development except in certain specified circumstances. The change of use of existing rural buildings to residential use may be appropriate in the Rural Area but only where they meet the criteria contained within policy GBC9 of the Local Plan.

4.2 Policy GBC9 states, inter alia, that residential re-use will only be permitted where the building is worthy of retention; cannot be retained for other more appropriate non residential purposes; and where the introduction of a residential use would not detract significantly from the rural character and appearance of the area.

4.3 In this case, the site owner advises Officers that the barn was originally required and designed for the storage of agricultural/land management machinery. However, the owner states that because the proposal had to be reduced in height, at the request of Officers in 2007, the resulting building was not able to be accessed by the large machinery used on

the land. The topography of the land also made it difficult to gain access without the use of a ramp. The owner indicates that the building was never 'fully utilised' for its intended purpose, but that the land continues to be used for hay baling and the grazing of horses.

- 4.4 Officers consider that this raises some doubt as to whether the building was ever intended for agricultural storage purposes. It is difficult to see why the owner would have agreed to reduce the height of the proposed building in 2007, knowing that it would restrict its intended use for large machinery. Furthermore, no amendments were sought to the building either during or after construction to ensure that it could be lawfully used. Although the owner states that the building was never fully used for its intended purpose, it is not clear to what extent or purpose it was used prior to conversion. No alternative agricultural, storage or business uses appear to have been made of the building such as for hay storage or equestrian use, for example, and no arguments have been advanced as to why an alternative, more appropriate, use of the building cannot be found. This is also contrary to policy GBC9.
- 4.5 It appears to Officers that the building was in fact, very soon after construction, converted and used as a self contained residential unit.
- 4.6 In terms of physical appearance, the building is constructed from dark stained weatherboard panels and appears as a fairly prominent new building, behind the more established stable block. It was approved as a simple storage building of utilitarian design. However, the new openings that have been inserted to allow its residential use do alter this simple utilitarian design to the detriment of the rural character and appearance of the area. The roof lights, visible from a distance, appear as a particularly domestic feature.
- 4.7 While the building is structurally sound, it is essentially a utilitarian agricultural building of little architectural merit. It was approved only a few years ago to meet an ancillary storage need at the site that has proved unnecessary. In Officers view, there would be no planning harm were it removed and it is difficult to conclude therefore that the building is 'worthy of retention' as required by policy GBC9. Officers do not accept the argument advanced in the planning statement that, because the building has already been converted to residential use, that this, in its own right, makes it worthy.
- 4.8 In terms of the overall impact of residential conversion, Paragraph 55 of the NPPF states that Local Planning Authorities should avoid new isolated homes in the countryside through the re-use of buildings unless they lead to an enhancement to the immediate setting of the building.

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In this case, however, Officers consider that the residential use of the building detracts from, rather than enhances, the appearance of the site. The land is open grassland and the building does not feature as one of a collection of historic farm buildings that can sometimes be converted in a way that is compatible with its setting or that may otherwise bring an historically significant and yet unused building back into active use.

- 4.9 The unauthorised use therefore results in an isolated home in the countryside, contrary to the main development strategy of the Local Plan and the sustainability objectives of the NPPF. It is not needed for a rural worker to live permanently at the site, nor has a case been put forward that it supports affordable housing provision in the area or constitutes any form of farm diversification. Other, more appropriate uses for the barn do not appear to have been fully explored. Officers consider therefore that the unauthorised use is clearly contrary to policies GBC9 and GBC3 of the Local Plan and the relevant considerations contained within the NPPF.

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 residential use of the barn and its reinstatement to the form and design as shown within planning permission 3/12/2341/FP.