

5n E/11/0392/A - Unauthorised change of use of land from agricultural grain store to commercial storage and distribution at Unit 8 Stocking Pelham Hall, Stocking Pelham, SG9 0HT

Parish: STOCKING PELHAM

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 Sections 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 building.

Period for compliance: 3 months.

Reason why it is expedient to issue an enforcement notice:

1. The storage and distribution use of the site has given rise to a significant increase in the volume of large goods vehicle traffic using the minor single carriageway road leading to it. The road upon which the site lies is poor in terms of width and construction and the increased traffic has a significant impact upon both the rural character of the road and the residential properties along it. It is therefore contrary to policy TR20 of the East Herts Local Plan April 2007 and the aims and objectives of the NPPF.

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1.0 Background:

- 1.1 The site is shown on the attached Ordnance Survey extract. It is situated about 600 metres northwest of the junction with Ginns Road, Stocking Pelham.
- 1.2 In November 2011 a concern was expressed to Officers that part of the grain store at the site was being used for commercial storage and the distribution of goods for a national supermarket chain. The principal concern of those contacting the Council was the inappropriateness of the access roads leading to the site for the large goods vehicles used to transport goods to and from the site.
- 1.3 The Enforcement Officer wrote to the site owner pointing out that the change of use from a farm store to commercial warehousing and

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distribution required planning permission on 28th November 2011. There having been no reply to that letter the Officer sent a further letter on 19th January 2012.

- 1.4 Following telephone discussions with the land owner and tenant, the Officer visited the site on 3rd February 2012. The site operator explained that there were different aspects of his business. At busy times of the year he stored stock for a national supermarket chain when their own warehouses were at capacity. This was particularly true in the run up to Christmas. He also operated a business providing storage and distribution of goods for national newspaper promotions ('free gifts').
- 1.5 The site owner stated that he had let out the unit on a temporary basis due to a very poor grain harvest. The site tenant stated that he was currently actively seeking new premises for his business and would be moving out within three months. Officers' considered it reasonable to allow this period for the relocation of the business.
- 1.6 However further concerns from residents of both Stocking Pelham and Brent Pelham were received in August 2012 relating to the continuation of the business and difficulties relating to large goods vehicles, many originating from the continent, on the narrow, often single track, roads. The difficulties included the problems of lorries having to reverse into narrow lanes as oncoming traffic could not pass on the single track road system and the damage caused to both the road surface and verges.
- 1.7 The Enforcement Officer again contacted and spoke to the owner and tenant of the site. The tenant states that it is his intention to vacate the site, if he can find suitable premises, by 7th November 2012. Given past assurances that the business use would cease and the possibility that suitable premises will not be found, this matter is being referred to Committee for authority to serve an enforcement notice should the use continue past that date.

2.0 Planning History:

- 2.1 The planning history for the site can be summarised as follows:

3/09/0238/FP	Erection of detached agricultural grain store and hard standing and removal of existing earth bank.	Approved
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3.0 Policy:

3.1 The relevant saved policies of the adopted Local Plan in this matter are:

GBC3	Appropriate Development in the Green Belt
GBC9	Adaptation and Re-Use of Rural Buildings
TR20	Development Generating Traffic on Rural Roads

3.2 The National Planning Policy Framework is also of relevance to the consideration of this development.

4.0 Considerations:

4.1 The main considerations in this matter relate to the appropriateness of the use within the Rural Area and its impact on the road network serving the site and the amenities of nearby residential properties.

4.2 Policy GBC3 of the Local Plan states that, within the Rural Area permission will not be given for changes of use other than for certain specified purposes such as agriculture, forestry and essential small scale facilities which meet a local need. The adaptation and re-use of rural buildings may be appropriate but only where they accord with Policy GBC9 of the Local Plan.

4.3 Policy GBC9 permits the re-use of rural buildings for business use where the existing building is in keeping with its surroundings; is soundly constructed and where the new use is sympathetic to the rural character of the building and is not of such a scale as to prejudice town and village vitality

4.4 In this case, the building is considered to be of sound construction and is of a simple utilitarian form and design that is common within the rural area. It is therefore, in Officers opinion, in keeping with its surroundings. The re-use of the building for commercial storage and distribution, however, is not considered to be an appropriate one here, given the poor alignment and restricted width of the local road network and the scale of the use involved.

4.5 In granting planning permission for the original building, both Highways and Planning Officers were mindful of the restricted local road network. The Highway Authority commented that, on balance, the agricultural use of the proposed building would be acceptable given the relatively short period of time during which harvesting occurs. However, they commented that the Highway Authority "would not wish to see the establishment of further non-agricultural HGV generating activities on

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the site” and they recommended a condition restricting the use to agricultural purposes only. Planning Officers concurred with that view, and a condition was imposed on the permission accordingly.

- 4.6 The road from which the site is accessed is a rural single carriageway road which is single track in places. The use of this road, which is poor in terms of width and construction, by laden articulated large goods vehicles is detrimental to both the rural character of the road and the residential properties along it. Whilst accepting that farm traffic would also use these roads, Officers consider that the amount of traffic generated by the unauthorised use exceeds that which might be, and has been previously shown to be, associated with the farming use. It results in large multi-wheeled lorries using the narrow lanes and residents report that lorries often have to reverse because even cars cannot pass on these restricted roads. Considerable damage has been caused to the surfaces and verges of the local roads as a result. The use is therefore considered to be contrary to policy TR20 of the East Herts Local Plan April 2007 and to the requirement to promote sustainable transport as set out within the NPPF.

5.0 Recommendation:

- 5.1 In accordance with the above considerations, therefore, Officers' are of the opinion that the use of the site for storage and distribution causes an unacceptable degree of harm to the rural character of the road, the residential properties along it and it fails in the requirement for developments to provide sustainable means of transport, contrary to both national and local planning policy. It is therefore recommended that an enforcement notice be served requiring the cessation of the unauthorised use.