

5i E/12/0111/A – The unauthorised use of land for the storage of caravans and motorhomes at land adjacent to Primrose Cottage, High Wych Road, Sawbridgeworth, Herts, CM21 0HH

Parish: SAWBRIDGEWORTH

Ward: SAWBRIDGEWORTH

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 the land and the removal of the caravans, motor homes and any other unauthorised operational development that supports that use.

Period for compliance: 3 Months

Reasons why it is expedient to issue an enforcement notice:

1. The change of use fails to maintain openness of the Metropolitan Green Belt, wherein the site is situated, and encroaches into the countryside in conflict with the purposes of including land in the Green Belt. The use therefore represents inappropriate development in the Green Belt and no very special circumstances have been demonstrated that clearly outweigh the harm. The use is thereby contrary to policy GBC1 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

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1.0 Background:

- 1.1 The site comprises part of a larger parcel of land accessed from High Wych Road to the north and including the residential property known as Primrose Cottage. The area of land the subject of this particular report is located towards the north west corner of the plot of land and to the west of the house as shown on the attached Ordnance Survey extract
- 1.2 In 1970, a lawful development certificate was granted for the use of a limited area of the site (a triangular shaped area in the furthest north west corner) for caravan storage. However, following a visit to the site in May 2012 by an enforcement officer looking in to a number of concerns that had been raised on the site, it was noted that an additional area of land was also being used for the storage of touring caravans and motor

E/12/0111/A

homes without planning permission.

1.3 Following the site visit, the owner was advised by letter that the additional area used for the storage of the caravans was unauthorised and required planning permission.

1.4 A retrospective planning application for the change of use of the land was subsequently submitted on the 31st August 2012 under reference 3/12/1476/FP. After due consideration, however, the application was refused permission on the 25th October 2012 for the following reason:

1. The proposed change of use would fail to maintain openness of the Metropolitan Green Belt, wherein the site is situated, and would encroach into the countryside in conflict with the purposes of including land in the Green Belt. The proposal therefore represents inappropriate development in the Green Belt and no very special circumstances have been demonstrated that clearly outweigh the harm. The proposal is thereby contrary to policy GBC1 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

1.5 Despite that refusal, the unauthorised use continues.

2.0 Planning History:

2.1 There is an extensive planning history relating to the Primrose Cottage site which can be summarised as follows:

3/02/1088/FP	Rear Conservatory	Grant permission
3/02/1296/FP	Two Storey side and rear extn.	Refused.
3/03/1838/FP	Single storey rear extn. And 1/2 storey flank extn, conservatory to side and front porch.	Grant permission
3/03/2253/FP	Retrospective application Front porch	Grant permission
3/04/0307/FP	Retrospective application for deck to rear	Grant permission
3/04/1047/FP	Retrospective application for the creation of lake and mounding	Refused. Appeal Dismissed

E/12/0111/A

3/04/1487/FP	Single Storey rear extn.	Refused. Appeal dismissed
3/04/1679/FP	Single Storey front extn.	Refused. Appeal Dismissed
3/04/2278/FP	Retrospective application for a double garage and adjoining car port	Refused. Appeal dismissed
3/04/2303/FP	Retrospective application for a change of use of former agricultural land to enlarge residential curtilage	Refused. Appeal Dismissed.
3/04/2382/FP	Erection of 6 x 1 no bed units for B and B accommodation	Refused
3/06/0427/FP	Detached garage and workshop with first floor studio	Refused.
3/06/2472/FP	Retrospective application erection of polytunnel	Withdrawn.
3/07/0183/FP	Retrospective application erection of polytunnel	Grant permission.
3/09/1429/FP	Change of use to bed and breakfast and use of outbuildings as bed and breakfast	Approved with conditions
3/10/1511/FP	Retention of two interconnected portacabins for use as rest room	Approved with conditions

3.0 Policy:

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

GBC1 – The principal of development within the Green Belt

ENV1 – Design and Environmental Quality

ENV2 – Landscaping

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

4.0 Considerations:

- 4.1 The site is located within the Green Belt as defined in the East Herts Local Plan Second Review April 2007 wherein there is a presumption against inappropriate development. Policy GBC1 states that the material change of use of land in the Green Belt will be inappropriate unless it maintains openness and does not conflict with the purposes of including land in the Green Belt.
- 4.2 The NPPF sets out that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and their permanence.
- 4.3 There are five purposes of Green Belt which, as defined in the NPPF are as follows:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 4.4 The NPPF states that, as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. Local Planning Authorities should ensure that *substantial* weight is given to any harm to the Green Belt. 'Very special circumstances' will not therefore exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 4.5 In this case, the presence of around 30 additional caravans on the site results in a material impact on the openness of the Green Belt and Officers consider therefore that the current unauthorised use of the land constitutes inappropriate development. The harm that results to openness is considered to be significant, even accepting that a small part of the site can lawfully be used for caravan storage. Some harm is also associated with the unauthorised development in relation to

E/12/0111/A

neighbour amenity resulting from greater levels of noise and general disturbance arising from the additional storage use.

- 4.6 In accordance with Green Belt policy therefore, planning permission should not be granted for this use unless there are other material considerations to which such weight can be given that they clearly outweigh the harm caused by inappropriateness and any other harm.
- 4.7 Within the recent retrospective application for planning permission, the owner's agent stated that the caravan storage provides the owners of caravans with an important service which is reflected in the fact that occupancy rates of caravan storage has been consistently high demonstrating a need for the service in the area.
- 4.8 The agent also commented that the storage of caravans at the site will result in a significant visual improvement elsewhere within the locality and wider area, by virtue of the removal of caravans to the front of gardens and driveways from residential properties within both the urban and rural setting. It also offers a more secure option for storing caravans rather than on driveways.
- 4.9 Officers fully considered these submissions within the recent application but concluded that they were not of such weight that they would clearly outweigh the harm caused to the Green Belt in this case.

5.0 Recommendations:

- 5.1 In accordance with the above considerations, Officers are of the view that the unauthorised development represents an inappropriate form of development within the Green Belt contrary to policy GBC1 of the Local Plan and section 9 of the NPPF. Officers also consider that the use of this land for caravan and motorhome storage results in a material impact on the openness of the Green Belt. Some harm is also associated with the development in relation to neighbour amenity in terms of additional noise and general disturbance.
- 5.2 In any event, the applicant has not demonstrated that there are any very special circumstances which would *clearly* outweigh the harm caused by inappropriateness and other harm in this case. It is therefore recommended that authorisation be given to issue and serve a Planning Enforcement Notice requiring the cessation of the unauthorised use and the removal of any physical elements that form part and parcel of it.