

5i E/12/0240/B – Unauthorised engineering works to create an access to land at Madgeways Lane, Great Amwell

Parish: GREAT AMWELL

Ward: GREAT AMWELL

RECOMMENDATION:

That the Director of Neighbourhood Services, in consultation with the Director of Finance and Support 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 removal of the newly formed access and gates and the reinstatement of the bank and planting.

Period for compliance: 4 Months

Reasons why it is expedient to issue an enforcement notice:

1. The access crossing has removed a section of hedgerow along Madgeways Lane. The hedgerow is a feature of this narrow rural lane and its removal causes harm to the landscape character and appearance of the Conservation Area. Insufficient information has been provided to justify the loss of this landscape feature and the unauthorised works are thereby considered contrary to Policies ENV1 and BH6 of the East Herts Local Plan.

_____ (024012B.PD)

1.0 Background:

- 1.1 The site lies on the edge of the Great Amwell Conservation Area and within the Metropolitan Green Belt. Madgeways Lane is a narrow rural lane which rises west to east, connecting Amwell Hill and Cautherly Lane. It is predominantly lined with established hedgerows and planting and on either side of the lane is a steep bank.
- 1.2 In August 2012 concerns were expressed that a new vehicular access had been created onto Madgeways Lane without planning permission which, due to the steep banks lining the lane, involved significant engineering works.
- 1.3 Officers investigated the matter and advised the landowner that the works required planning permission. An application for retrospective planning permission was then subsequently received in November 2012 but, after due consideration, was refused on 23 January 2013.

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- 1.4 The unauthorised vehicular access has been created to facilitate access to the south and west of Madgeways Lane which is currently used for equestrian purposes.
- 1.5 The lane is not a classified road, but the existence of a steep bank has required significant excavation work and hedgerow removal in order to accommodate the new access. As such, the works constitute an engineering operation that requires planning permission.
- 1.3 Photographs of the site and access will be available at the committee meeting.

2.0 Planning History:

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

3/12/1812/FP	New access to land off Madgeways Lane Great Amwell – Retrospective.	Refused
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3.0 Policy:

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

GBC1 – Appropriate Development in the Green Belt.
ENV1 – Design and Environmental Quality.
BH6 – New Developments in Conservation Areas.

- 3.2 In addition, the policies of the National Planning Policy Framework are also of relevance in this case.

4.0 Considerations:

- 4.1 The site lies on the edge of the village Conservation Area and within the Metropolitan Green Belt wherein, in accordance with national and local planning policies, permission will not be granted for inappropriate development unless there are any very special circumstances which clearly outweigh the harm caused by reason of inappropriateness and any other harm.
- 4.2 Policy GBC1 of the Local Plan (which reflects national policy in the NPPF) states that engineering operations will be considered inappropriate unless they maintain openness and do not conflict with

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the purposes of including land in the Green Belt. In this particular case, Officers consider that the creation of the vehicular access does not have any impact on the openness of the Green Belt in this location and nor does it conflict with the purposes of including land in the Green Belt. It is not considered therefore to be inappropriate development in the Green Belt and therefore it would not be necessary to consider any very special circumstances in this case.

- 4.3 In principle therefore a vehicular access in this location would not be inappropriate, provided that it had no adverse impact on the rural character and appearance of the area.
- 4.4 However, in this case, the land level changes and the steep banks lining the lane have necessitated significant earthworks to create the access and also the removal of a large part of the hedgerow abutting the lane. This is considered to have a detrimental impact on the character and appearance of the lane and the surrounding rural area.
- 4.5 Given the steep bank, it may also be necessary to hard surface the access to stabilise the surface and this would have a further detrimental impact on the rural character and appearance of the lane.
- 4.6 Policy ENV1 and BH6 of the Local Plan both seek to minimise the loss of important landscape features. The latter policy does not permit development in Conservation Areas where it would have a detrimental impact on open spaces, trees and other landscape features that materially contribute to the character of the area.
- 4.7 Madgeways Lane is a narrow rural road that is highly sheltered by planting to both sides. The established hedgerow is a defining landscape feature of the road and marks the edge of the Conservation Area boundary. Its loss has removed a substantial section of planting and exposes the land to the west, causing visual harm. The Council's Landscape Officer has stated that the crossing does not meet minimum benchmark standards for landscape design, it being of too steep a gradient. The surfacing materials comprise a mud bank, which is not fit for purpose and suggests that hard surfacing would be required and/or further excavation to level out the gradient and allow for safe access/egress. Concern is raised that this could further urbanise the crossing point and cause additional harm.
- 4.8 The introduction of the access has a detrimental impact in Officers view and has not sought to minimise the loss of important landscape features. As such, it causes harm to the character and appearance of the area. It is therefore contrary to the provisions of Policies ENV1 and

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BH6 of the Local Plan.

4.9 County Highways have also registered concerns with the access crossing, stating that insufficient justification as to the need for the crossing has been provided on a road that is narrow and has steep banks. Officers are also mindful of the fact that this represents a secondary crossing to the site and that an established crossing is already in situ on Cautherly Lane (just to the North of “Mountfield”).

5.0 Recommendation:

5.1 It is therefore recommended that authorisation be given to issue and serve an enforcement notice requiring the removal of the unauthorised access and the reinstatement of the bank and planting.