

**5g E/11/0184/B – Unauthorised use of mobile home for residential purposes at Rye House Speedway Stadium, Rye Road, Hoddesdon, Herts, EN11 0EH**

**Parish: STANSTEAD ABBOTS CP**

**Ward: STANSTEAD ABBOTS**

**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 cease the unauthorised residential use of the mobile home.

Period for compliance: 1 month

Reasons why it is expedient to issue an enforcement notice:

1. The site lies within the Metropolitan Green Belt as defined in the East Herts Local Plan wherein permission will not be given except in very special circumstances for development for purposes other than those required for mineral extraction, agriculture, small scale facilities for participatory sport and recreation or other uses appropriate to a rural area. There are no special circumstances apparent in this case and it would therefore be contrary to policy GBC1 of the East Herts Local Plan Second Review April 2007.
2. The development is on land within Flood Zone 3 with a high probability of flooding. The residential development is classified as highly vulnerable and not compatible within this Flood Zone. The development is contrary to policy ENV19 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework and its Technical Guidance.

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**1.0 Background:**

- 1.1 The site is shown on the Ordnance Survey extract. The Rye House Speedway Stadium lies on the southern edge of East Herts District and is an established speedway stadium, having previously also been a Greyhound racing track.
- 1.2 In June 2011, concerns were expressed to the enforcement team regarding the residential use of a mobile home on the site by one of the

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riders employed by the owner of the site. The location of the mobile home is shown on the second of the two OS extracts attached to this report.

- 1.3 The owner was contacted and a meeting was held at the site where it was stated that the mobile home was used for residential accommodation by riders that the owner employed from overseas during the racing season, which runs from March to October each year. Prior to that, it had apparently been on site for approximately 6 years when it was used for occasional overnight accommodation.
- 1.4 It was explained to the owner that the residential use of the mobile home required planning permission and he was advised to either cease the use or to apply for planning permission to retain it.
- 1.5 An application was submitted in November 2011 for the change of use of the mobile home from occasional residence (28 days per annum) to residential use during March to October each year (ref: 3/11/1906/FP). Following protracted discussions with the owner over a number of months, the application was refused planning permission in December 2012 for the following reasons:
  1. The site lies within the Metropolitan Green Belt as defined in the East Herts Local Plan wherein permission will not be given except in very special circumstances for development for purposes other than those required for mineral extraction, agriculture, small scale facilities for participatory sport and recreation or other uses appropriate to a rural area. There are no special circumstances apparent in this case and it would therefore be contrary to policy GBC1 of the East Herts Local Plan Second Review April 2007.
  2. The development is on land within Flood Zone 3 with a high probability of flooding. The residential development is classified as highly vulnerable and not compatible within this Flood Zone. The development is contrary to policy ENV19 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework and its Technical Guidance.

## **2.0 Planning History:**

2.1 The relevant planning history is as follows:

3/11/1906/FP	Change of use of an existing mobile home inside the boundary fence of Rye House Stadium from occasional residence (28	Refused
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days per annum) to residential use March to October each year. No winter use.

**3.0 Policy:**

3.1 The relevant policies of the East Herts Local Plan Second Review April 2007 in this case are:

GBC1 – Appropriate Development in the Green Belt.  
ENV19 – Development in Areas Liable to Flood.

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

**4.0 Considerations:**

4.1 The siting of a mobile home for residential purposes does not fall within any of the identified forms of appropriate development in the Green Belt as outlined within the Local Plan Policy GBC1 or within the NPPF. As such, it amounts to inappropriate development.

4.2 Inappropriate development in the Green Belt should not be permitted unless there are other material considerations to which such weight can be given that they constitute 'very special circumstances' that clearly outweigh the harm caused to the Green Belt by inappropriateness and any other harm.

4.3 In this case, 'other harm' is also identified in the form of the impact of the unauthorised mobile home on the openness of the area and the flood risk that results from the residential use of the land and the siting of the mobile home. In terms of impact on openness, Officers acknowledge that the siting of the home is relatively discreet and it is also material to note that a caravan used for purposes ancillary to the lawful use of the site (such as a tea room for staff) would not require planning permission. However, it does have some limited impact on openness and therefore some weight, albeit limited, is attached to this harm.

4.4 The site is also within Flood Zone 3, and residential caravans are classed as a 'highly vulnerable' form of development in the flood zone. As such, there is significant risk to occupiers of the mobile home from flooding, and there is also a risk that, in times of flood, the mobile home could be washed away, causing damage elsewhere. The Environment Agency objected to the recent retrospective application for planning permission on those grounds.

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- 4.5 In terms of 'very special circumstances', the owners state that the mobile home would allow occupiers to live and work without the need to commute and would be cost effective. However, it is not considered by Officers that this would clearly outweigh the harm caused by the development such as to constitute the very special circumstances required to justify the development contrary to Green Belt policy.
- 4.6 Furthermore, it is noted that there are a number of domestic properties within the locality of the stadium that offer accommodation for rent that would be suitable to house persons employed by the owner during the 7 months of the racing season without the need to site the mobile home within the curtilage of the stadium.

### **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 the residential use of the mobile home.