

**6L E/10/0356/B – Unauthorised storage containers and fencing at  
Land Adj 1 Buttermilk Hall Cottages, Baldock Road, Buntingford, SG9 9RH**

**Parish: ASPENDEN CP**

**Ward: MUNDENS AND COTTERED**

**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 storage containers and the removal of the unauthorised fencing from the land.

Period for compliance: 2 months

Reasons why it is expedient to issue an enforcement notice:

1. The site lies within the Rural Area Beyond the Green Belt as defined in the East Herts Local Plan wherein permission will not be given for new buildings generally and not for agricultural buildings which are not designed appropriately for their intended use and which are not sympathetic to their surroundings in terms of scale, materials, colour and architectural details. The storage containers are therefore contrary to Policies GBC7 and ENV1 of the East Herts Local Plan Second Review April 2007.
2. The fencing, without appropriate planting, is considered detrimental to the character and appearance of the surrounding rural area and is therefore contrary to Policy ENV1 of the East Herts Local Plan Second Review April 2007.

\_\_\_\_\_ (035610B.CB)

**1.0 Background:**

- 1.1 The site is shown on the Ordnance Survey extract. It is located adjacent to the property known as 1 Buttermilk Hall Cottages on the Baldock Road and consists of agricultural land within the Rural Area as defined in the Local Plan.
- 1.2 In October 2010, concerns were expressed to the enforcement team regarding the use of the land as an extension of the garden of 1 Buttermilk Hall Cottages. The land was subsequently also used for commercial purposes. Although both of these uses ceased, and the

## **E/10/0356/B**

land itself was reverted back to an agricultural use in planning terms, a significant amount of unauthorised fencing and a number of unauthorised storage/containers remained.

- 1.3 The site was inspected by an officer in October 2012 and it was noted that, despite the removal of some containers and the addition of some planting between the fence and the highway, two interconnected storage containers still remained on the land, and a section of the planting had failed.
- 1.4 It was explained to the owner that, as the issue had been going on for a long period of time, replacement planting and either removal of the storage containers or an application for planning permission for a more appropriate replacement building were required by the end of October 2012.
- 1.5 Despite written assurances over the progress of putting together a planning application, the situation is unchanged from that of October 2012.

### **2.0 Planning History:**

- 2.1 There is no relevant planning history to report.

### **3.0 Policy:**

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

GBC3 – Appropriate Development in the Rural Area.

GBC7 – Agricultural Development.

ENV1 – Design and Environmental Quality.

### **4.0 Considerations:**

- 4.1 The land is located within the Rural Area and as such only appropriate development as defined by Policy GBC3 will be permitted in this location. Whilst Policy GBC3 defines the construction of new buildings for an agricultural purpose as appropriate development, Policy GBC7 stipulates that to be permitted, new agricultural buildings must be located to minimise the impact of the building on the character and appearance of the countryside, be accompanied by a landscape scheme and be of a design which is both appropriate for its intended use and sympathetic to its surroundings in terms of scale, materials, colour and architectural details.

## **E/10/0356/B**

- 4.2 At the date of the previous site visit, the interconnected storage containers were not in fact being used solely to facilitate the agricultural use of land. However, irrespective of the use, the containers are considered to be operational development and within the definition of a 'building'. In this case, they require planning permission. They are of a very poor appearance which is alien to the rural location and, even if used for an agricultural purpose, they are considered by officers to harm the rural character of the area and are contrary to both Policy GBC7 and Policy ENV1.
- 4.3 Whilst some form of sympathetic agricultural building may be permitted if accompanied by sufficient justification and details, the existing building is contrary to the Development Plan, and the owner has been provided with more than sufficient time to apply for planning permission for a replacement building.
- 4.4 Due to its height and siting adjacent to the highway, the fencing which has been erected around the boundary of the site is also considered to require express planning permission. Whilst it was agreed between the owner and officers that the fencing would be acceptable subject to suitable planting, a section of the planting has failed and, despite written assurances, replacement planting has not been carried out. Without substantial planting, the fence is considered to have a detrimental impact on the character and appearance of the area and Officers consider that it should be removed.
- 4.5 However, if planning permission were to be sought to retain the fence with a suitable planting scheme (that could be controlled by planning condition) then officers consider that the harm caused would be satisfactorily mitigated. In the absence of such permission, however, and to avoid the fencing becoming lawful through the passage of time, it is considered appropriate to seek authorisation for formal enforcement action to require its removal.

### **5.0 Recommendations:**

- 5.1 For the above reasons it is recommended that authorisation be given to issue and serve an Enforcement Notice requiring the removal of the interconnected storage containers, and the removal of the fence. However, in the event that a satisfactory robust planting scheme is provided and maintained adjacent to the existing fencing, Officers will review the expediency of issuing a notice in respect of the fencing.