

**5g E/13/0348/A – Unauthorised Garage/Outbuilding at The Lodge (Manor of Groves), High Wych Lane, High Wych, Sawbridgeworth, Herts, CM21 0JL**

**Parish: HIGH WYCH CP**

**Ward: MUCH HADHAM**

**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 unauthorised building.

Period for compliance: 4 months

Reasons why it is expedient to issue an enforcement notice:

1. The outbuilding, by reason of its size, scale, and design, represents a disproportionate addition to the dwelling, and results in a prominent development which is detrimental to the openness, character and appearance of the surrounding Metropolitan Green Belt. The proposal thereby constitutes inappropriate development in the Green Belt, contrary to policies GBC1 and ENV5 of the East Herts Local Plan Second Review April 2007, and national guidance in section 9 of the National Planning Policy Framework.
2. The outbuilding, by reason of its size, scale, design and appearance, is detrimental to the character and appearance of the High Wych Conservation Area and the street scene, contrary to policies BH6 and ENV1 of the East Herts Local Plan Second Review April 2007 and national planning policy guidance set out in section 12 of the National Planning Policy Framework.

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**1.0 Background:**

- 1.1 The site is shown on the attached Ordnance Survey extract. It is located on High Wych Lane, within the High Wych Conservation Area and within the Metropolitan Green Belt. It has a historic relationship with The Manor of Groves to the north-west, but is now in separate ownership.
- 1.2 In November 2013, concerns were expressed to the enforcement team regarding the erection of the garage/outbuilding and whether it was

## **E/13/0064/B**

being built in accordance with previously approved plans. Concerns were also raised that the building was being, or would be, used as a dwelling.

- 1.3 A site visit was arranged with the owner and carried out in January 2014. Enforcement Officers observed a very large building, still under construction, which was substantially larger, and of a different design, to any of the previous planning permissions granted for development on the site.
- 1.4 A number of planning applications have previously been submitted for a garage/outbuilding at The Lodge. These have varied in size, design and siting, and have received a mix of decisions (with one two storey garage outbuilding being dismissed on appeal). The most recent planning permission, which was granted on 14<sup>th</sup> October 2008 (3/08/1495/FP), gave permission for a single storey two bay garage with a simple pitched roof design and rectangular footprint. However, the building currently under construction on site bears no resemblance to that approved building, being significantly larger in footprint and height, and of a different design.
- 1.5 A letter was subsequently sent to the owner of the site informing him that the development was unauthorised and, given its size and scale; the planning history of the site and its location within the Green Belt, Officers considered that planning permission would not be granted for the retention of the building. The owner was therefore advised that the matter would be reported to the Development Management Committee with a recommendation that an Enforcement notice be issued requiring the removal of the building.

## **2.0 Planning History:**

2.1 The relevant planning history is as follows:

3/08/1495/FP	Amendments to 3/07/1275/FP (erection of garage)	Approved
3/08/0415/FP	Amendments to 3/07/1275/FP (erection of garage)	Refused
3/07/2649/FP	Amendments to garage.	Withdrawn
3/07/1725/FP	New entrance wall, gates, triple garage and change of use of land to garden land.	Approved

## **E/13/0064/B**

3/07/0233/FP	New entrance wall, gates, double garage and change of use of land to garden land.	Refused
3/05/2212/FP	Part two storey/part single storey double garage and store.	Refused and appeal Dismissed
3/02/1575/FP	Detached double garage.	Approved
3/00/0386/FP	Detached double garage.	Approved

### **3.0 Policy:**

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

GBC1 – Appropriate Development in the Green Belt.

ENV1 – Design and Environmental Quality.

ENV5 – Extensions to Dwellings.

BH6 – New Developments in Conservation Areas.

3.2 The National Planning Policy Framework is also a relevant material consideration.

### **4.0 Considerations:**

4.1 High Wych is a Category 2 Village with a rural and historic character that lies within the Metropolitan Green Belt. The site, the subject of this report, also lies within the High Wych Conservation Area which spans across approximately 80 properties with 18 listed buildings.

4.2 The garage building under construction has a large L shaped footprint, with two large garage door-style entrances on the ground floor; two openings at first floor level for large windows within the gables, and two dormer windows with an additional velux window within the roof. This is significantly larger and of a different design to any of the previously approved outbuildings at the site. No planning permission therefore exists for the development under construction.

4.3 Officers consider that the garage building under construction has a significant detrimental impact on the openness and character of the surrounding Green Belt, and represents inappropriate development,

## **E/13/0064/B**

providing a disproportionate increase in the floorspace and footprint of the original dwelling. National and local planning policy indicates that, by definition, inappropriate development is harmful to the Green Belt and significant weight should be given to this harm. In this case additional harm also results to the openness, character and appearance of the surrounding area, by the size, scale, siting and design of the garage building which visually competes with the main house and is prominent within a previously open area of the Green Belt.

- 4.4 In addition to the harm to the Green Belt, Officers consider that the size, scale, design and appearance of the building is detrimental to the character and appearance of the High Wych Conservation Area and the street scene. Members will see from the photograph available for display at the meeting that the garage building appears very prominent from High Wych Lane, giving the visual appearance of a new dwelling as opposed to an ancillary outbuilding. The building clearly fails to comply with the requirements of Policy BH6, as the building is not sympathetic to the general character and appearance of the area in terms of scale, height, materials and its siting. Consequently, Officers consider the level of harm caused to the Conservation Area and street scene to be significant.
- 4.5 Whilst some breaches of planning control can be regularised by using retrospective applications, restrictive conditions and/or minor alterations to the unauthorised development, such an approach is not considered appropriate in this instance. The building is contrary to a number of the Council's policies and the NPPF, and the level of harm caused has been identified as significant. No planning permission exists for the building, and minor alterations to it would not overcome the wide number of issues. It is therefore considered expedient to require the removal of the unauthorised building.

### **5.0 Recommendation:**

- 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 building.