

5f E/13/0387/A – Use of Garage as an Independent Dwellinghouse at Johnsons Thatch, East End, Furneux Pelham, Herts, SG9 0JU

Parish: FURNEUX PELHAM CP

Ward: LITTLE 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 cease the use of the garage as an independent dwelling.

Period for compliance: 6 months

Reasons why it is expedient to issue an enforcement notice:

1. The application site lies within the Rural Area as defined in the East Hertfordshire Local Plan wherein there is a presumption against development other than required for agriculture, forestry, small scale local community facilities or other uses appropriate to the rural area. The location of the site for an additional residential unit is not considered to be sustainable and is contrary to policies GBC2 and GBC3 of the Local Plan and 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 in East End, a small hamlet which is identifiable by its rural character and location.
- 1.2 In December 2013, concerns were expressed to the enforcement team regarding the use of the outbuilding as a separate independent dwelling.
- 1.3 A site visit was arranged with the owners and carried out in February 2014. The Enforcement Officer inspected the large outbuilding and noted that whilst the ground floor remained in ancillary use to the main house, with vehicle and other storage, the first floor had been converted to an independent flat. The owner confirmed that the upstairs had been let as a flat since November 2013.
- 1.4 The Enforcement Officer has subsequently been in written

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communication with the owner to allow them to consider their options. However, as the use of the flat continues and the owner is suggesting that the use of the upper floor of the garage as a flat may have been occurring over a number of years, there is a risk that lengthy negotiation/discussion could result in the use becoming immune from enforcement action, and so the owner has been notified that authorisation to serve an enforcement notice would be sought at the earliest opportunity.

2.0 Planning History:

2.1 The relevant planning history is as follows:

3/12/1692/LB	Reconstruction of fire and water damaged part of building (main house)	Approved
3/12/1691/FP	Reconstruction of fire and water damaged part of building (main house)	Approved
3/86/1069/FP	Double garage and stables with hayloft above.	Approved
3/77/0787/FP	Site for chalet bungalow	Refused

3.0 Policy:

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

GBC2 – The Rural Area Beyond the Green Belt.

GBC3 – Appropriate Development in the Rural Area Beyond the Green Belt.

3.2 The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are also relevant material considerations in the consideration of this matter.

4.0 Considerations:

4.1 East End is a rural hamlet consisting of a handful of properties near Furneux Pelham, itself only a Category 2 Village. East End has a very rural character and is firmly within the Rural Area Beyond the Green Belt, identified by Policies GBC2 and GBC3 and the NPPF as an unsustainable location for new housing.

- 4.2 The outbuilding was originally granted planning permission in 1986 as a garage/stable/store with hayloft above. The owners stated on site that it had been used for a number of years as ancillary accommodation for guests/relatives. The owners further stated that after the main house was damaged by fire in 2012, they used the upper floor of the garage as accommodation for themselves, and then subsequently let the property out to a private tenant from November 2013.
- 4.3 After the Officer wrote to the owners to outline the possible ways of remedying the breach of planning control in writing, a letter was received from the owner with a statement from Belvoir Lettings. The statement read that the agency had acted as agents for the property (referred to as 'The annexe') since 2009. Whilst this did not contain any supporting evidence and was contrary to what the Officer was told on site, Officers are conscious that, as the unauthorised use still continues, the use could become lawful if an enforcement notice is not served to effectively 'stop the clock'.
- 4.4 The use of the outbuilding as an independent dwelling is clearly contrary to Policies GBC2 and GBC3, which do not permit new residential development in the Rural Area Beyond the Green Belt. Officers acknowledge that the District currently faces a housing shortfall and cannot demonstrate a 5 year supply of housing land at this time. However, the addition of one property would make a negligible contribution to the present situation, and the NPPF sets out in section 55 that housing should only be located where it will enhance or maintain the vitality of rural communities. The location in question does not form part of a sustainable settlement with adequate services to support any further residential development and does not constitute the re-use of a redundant or disused building. It is therefore unsupported by the NPPF.
- 4.5 Whilst it is still open for the owners to seek retrospective planning permission, as the proposal is contrary to policy and the owners are exploring the possibility of demonstrating 4 years of continuing independent residential occupation, it is imperative that an Enforcement Notice is served to prevent an unauthorised use becoming lawful. If substantial evidence can be produced by the owners to prove the continued independent residential use, an appeal can be lodged with the planning inspectorate to test the evidence. In addition, as the upper floor of the building can be lawfully used as an annexe, Officers consider it reasonable to require the cessation of the independent residential use, enabling the owners to use the building on an ancillary basis (e.g. visiting relatives) if the notice is not appealed or an appeal is

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unsuccessful.

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 cessation of the unauthorised independent residential use.