

E/12/0238/B – Unauthorised laying of gravel paths/tracks through woodland and creation of a vehicular access on to an unclassified road at Sacombe Corner Wood, Frogmore Hill, Aston, Herts, SG14 3RS

Parish: ASTON

Ward: DATCHWORTH AND ASTON

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 material used to create the paths/tracks through the woodland.

Period for compliance: 4 Months

Reasons why it is expedient to issue an enforcement notice:

1. The access tracks by reason of their siting, alignment and visual appearance are harmful to the character and appearance of Sacombe Corner Wood and are likely to cause harm to trees of significant amenity value. The development is contrary to policies ENV1, ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007 and national guidance contained in the National Planning Policy Framework.

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1.0 Background

- 1.1 The site is shown on the attached Ordnance Survey extract. The land lies within the Metropolitan Green Belt.
- 1.2 In August 2012 it was brought to the Council's attention that an unauthorised access had been created into Sacombe Corner Wood. This appeared to include the removal of the road bank and vegetation and the levelling of the land to create the access. Hard surfacing material had then been laid at the entrance and continued into the wood to form a vehicular access track.
- 1.3 Officers wrote to the owner of the land advising them that these works constituted an engineering operation and required planning permission. In September 2012 an application for retrospective planning permission was received for the 'reinstatement' and upgrading of a woodland access at the site and the erection of an access gate.

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1.4 Retrospective planning permission was, however, subsequently refused in December 2012, under planning reference 3/12/1688/FP, for following reason:

- 1. The access tracks by reason of their siting, alignment and means of construction would be harmful to the character and appearance of Sacombe Corner Wood, and would cause harm to trees of significant amenity value. The development is thereby contrary to policies ENV1, ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.*

No objection was raised to the retention of the gate or fencing however.

1.5 Following the refusal of the retrospective planning application, the owner of the land did not submit an appeal against the refusal and the development carried out remained unauthorised. In April 2014, it was brought to Officers' attention that the unauthorised developments remained in situ and the owner of the land was contacted again and advised that the situation needed to be rectified. The owner replied that he had employed an agent to submit a further application for retrospective permission in an attempt to overcome the original reasons for refusal.

1.6 On the 20th May 2014 an application was submitted, under planning reference 3/14/0921/FP, for the retention of the vehicular access and paths. After due consideration, however, the application was refused planning permission for the following reason:

- 1. The access tracks by reason of their sitting, alignment and visual appearance would be harmful to the character and appearance of Sacombe Corner Wood, and are likely to cause harm to trees of significant amenity value. The development is thereby contrary to policies ENV1, ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.*

2.0 Planning History

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

3/11/0520/FP	Change of use of land to Horse keeping, erection of stable block and new vehicular access	Approved with conditions
3/11/1396/FP	Construction of outdoor menege	Approved with Conditions

3/12/1688/FP	Reinstatement of access gate and pathway (Retrospective)	Refused
3/14/0921/FP	Retention of loose gravel paths through woodland from re-instated vehicular access onto unclassified road (Retrospective)	Refused

3.0 Policy

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

- GBC1 – Appropriate development In the Green Belt
- ENV1 – Design and Environmental Quality
- ENV2 – Landscaping
- ENV11 – Protection of Existing Hedgerows and Trees

3.2 The National Planning Policy Framework is also a material consideration in the determination of this matter

4.0 Considerations

4.1 The site lies within the Metropolitan Green Belt. However, the development is not considered to be 'inappropriate development' as it does not result in harm to openness and does not conflict with the purposes of including land in the Green Belt. There is therefore no objection, in principle, to the development. However, its impact on the rural character and appearance of the area, and on the mature trees within the woodland, is a material planning consideration to be considered.

4.2 The first access track that runs west to east adjacent to the public road is stated to be for an alternative access to the stable block for farm and related vehicles - previously this access was said to be for quad bike access to the stables and is annotated as such on the plans. As there is already a recently approved access, together with a parking and turning area associated with the stables on the site, it is not considered by Officers that there is a need for this further track. The Highway Authority has said that the use of the track by tractors and baylers would improve road safety, but the existing access has not been deemed unsafe.

4.3 The track has an un-natural straight alignment, and appears as an obvious incursion into this woodland, which is harmful to the character and appearance of the woodland.

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- 4.4 The second access track which runs north to south through the Woodland, is much wider in size (approximately 3 metres) and although not as straight in alignment, it is also a noticeable feature. It is also considered that this feature is harmful to the character and appearance of this historic woodland and the rural qualities of the site generally. The siting of the track is in very close proximity to trees of significant amenity value, and although the Tree Report submitted with the planning application stated that the level of usage is currently low, that usage cannot be controlled and any use results in compression of tree roots which is likely to cause harm to their viability. This could result in their loss, which would in turn cause further harm to the woodland and its character and thereby be contrary to policies ENV2 and ENV11 which seek to retain and enhance existing trees and features.
- 4.5 Concern has also been raised in relation to biodiversity and harm that is created from the loss of the woodland. Policy ENV2 does state that where losses of existing landscapes are unavoidable, compensatory planting or habitat creation will be sought. The development has resulted in the loss of habitats and no compensatory provision is proposed. Furthermore, it is not clear that the loss of the landscape features is unavoidable in this case, given the alternative access to the site. The NPPF, at para 109, states that minimising impacts on biodiversity and providing net gains in biodiversity will be sought and at Para 118, it states that when local planning authorities determine planning applications, they should aim to conserve and enhance biodiversity. The development does not adhere to the above policies and this impact to biodiversity weighs against these works.

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 removal of the paths and vehicular access and the re-instatement of the land.