

E/14/0205/A – Unauthorised change of use from dwellinghouse (Use Class C3) to medical supply company (Use Class B1/B8) at 19 Huntsman Close, Puckeridge, Ware, Hertfordshire, SG11 1US

Parish: STANDON CP

Ward: PUCKERIDGE

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 cessation of the unauthorised use.

Period for compliance: 6 months

Reason why it is expedient to issue an enforcement notice:

1. The unauthorised change of use has resulted in the loss of a residential unit which is deemed suitable for continued residential occupation and is thereby detrimental to the District's housing land supply and contrary to policy STC5 of the East Herts Local Plan Second Review April 2007 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 within the Category 1 village of Puckeridge and is located within a modern residential area.
- 1.2 In June 2014, Officers received concerns regarding the use of a dwellinghouse for business purposes. Officers visited the site and observed that the use of the property for residential purposes had ceased. The property was being used exclusively for the operation of a B1/B8 type business relating to the picking and packing of medical supplies.
- 1.3 The owner of the business informed Officers that the business had been in operation at the site for a few years, with 4-5 employees working approx. 9am-5pm daily, with collections multiple times per week. A retrospective application for planning permission was subsequently submitted and was refused on 30th October 2014 for the following reason:

The proposed change of use would result in the loss of a residential unit which is deemed suitable for continued residential occupation and would thereby be detrimental to the District's housing land supply and contrary to policy STC5 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

2.0 Planning History

2.1 The relevant planning history is as follows;

3/14/1592/FP	Change of use from (C3) residential dwelling to (B1) office use.	Refused
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3.0 Policy

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

ENV1 – Design and Environmental Quality
STC5 – Conversion of Dwellings to Commercial Uses

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

4.0 Considerations

4.1 The determining issue in this case relates to whether the harm caused by the loss of a residential unit is outweighed by any of the material considerations put forward by the applicant.

4.2 The NPPF sets out the requirement for the Council to identify the supply of land for five years' worth of housing against its identified needs. The most recent Annual Monitoring Report (AMR) was published in February 2014. The AMR predicts land supply for the 2014/15 to 2018/19 five year period and identifies that the Council currently cannot demonstrate a five year housing land supply. Weight should be given to this as the unauthorised use has resulted in the loss of a residential unit. Whilst it is acknowledged that the contribution that one dwelling would make to housing supply is limited, the loss of a dwelling would nevertheless be contrary to the requirements within the NPPF to provide additional housing supply, particularly in sustainable locations such as this.

4.3 Policy STC5 of the Local Plan also states that permission will be

refused for the conversion of existing dwellings into commercial uses where it is suitable for continued residential occupation. There is no evidence to suggest that the property is not suitable for continued occupation as it is a modern dwelling within a residential estate, which in accordance with part (II) of Policy STC5, provides a reasonable standard of accommodation, has its own access, a good outlook and other amenities including car parking and private amenity space. The figures from the AMR and the recently approved new residential developments nearby, as well as a new proposal (3/14/1627/OP), demonstrate that there is a need for housing within Puckeridge. The unauthorised use is therefore contrary to Policy STC5.

- 4.4 The owner has stated in their planning application that they employ 6 full time members of staff and that the location of the business is important for security purposes and to enable the staff to travel to work. They further state that the staff park in the free car park within the road and that they do not consider that the business causes any disruption for neighbouring residents. The business is ideally located close to major trunk roads and provides employment and economic benefits to the local area.
- 4.5 Notwithstanding the above, there is no evidence to suggest that the business could not be accommodated elsewhere within the local area. It is acknowledged that small businesses can be beneficial to villages as they bring opportunities of employment for local residents and can benefit other local businesses. However, there is no evidence to suggest that the applicant has searched for other premises that would not result in a loss of a residential unit. Overall, Officers do not consider that the benefits of the business outweigh the loss of housing within this residential area. It is therefore considered expedient to take Enforcement Action to cease the unauthorised use.
- 4.6 It is acknowledged that the current business is a successful business, which has grown from a modest operation at home, into a relatively sizeable operation. It is therefore appropriate for Officers to allow a reasonable compliance period for the owners to find and secure alternative premises and carry out the logistics associated with the move. Officers consider a period of 6 months for compliance would be the minimum reasonable period in this instance.

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 use.