

E/13/0221/B – Unauthorised use of property as a Children’s Home at Nutwood Cottage, West End Road, Wormley West End, Herts, EN10 7QN

Parish: BRICKENDON LIBERTY CP

Ward: HERTFORD HEATH

RECOMMENDATION:

That Members note and agree the decision of the Director of Neighbourhood Services to issue, under delegated authority, an enforcement notice with a revised compliance period to that authorised by the Committee in June 2014.

Period for compliance: 3 months.

Reasons why it was expedient to issue an enforcement notice:

1. The change of use, by reason of the degree of activity, noise and disturbance at the property and the actual and perceived potential for anti-social behaviour in close proximity to existing residential uses, is harmful to the residential amenity of neighbouring occupiers and the rural character of the area. The proposal is thereby contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.
2. The use of the premises as a children’s home, in a location away from a significant centre of population and key services, results in an unsustainable form of development which is heavily reliant on motor vehicles and which results in additional traffic movements within the surrounding rural area. This development is at odds with the Council’s strategy for development in the District as set out in Policy SD2 of the East Herts Local Plan Second Review April 2007 and the principles of sustainable development set out in the National Planning Policy Framework.

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1.0 Background

- 1.1 Members may recall that this matter was referred to the Committee in June 2014 when authorisation was given for the service of an enforcement notice in respect of the use of the property as a children’s home, with a compliance period of 6 months. A copy of the earlier report to the Committee is attached as **Essential Reference Paper ‘A’** to this report.
- 1.2 This report is to update the Committee in respect of the service of that notice; to set out the circumstances resulting in the service of the notice with a reduced compliance period under delegated authority, and to

seek the Committee's agreement to that course of action.

- 1.3 The background to this matter and the description of the site and its use is set out within the attached report at **Essential Reference Paper**.
- 1.4 Following the June Committee meeting, Officers were contacted by, and entered into discussions with, legal representatives of the Children's Home operator, whereby a voluntary compliance period was agreed on the understanding that the Enforcement Notice was not served.
- 1.5 However, Officers visited the site following the expiry of this voluntary period and found the use to still be in operation. In accordance with the constitution, therefore, and in collaboration with the Local Member and Development Management Committee Chairman, it was agreed that an Enforcement Notice should be served with a reduced compliance period. This meant that the Enforcement Notice would come into effect at a similar time as if it had been served before the voluntary compliance period was agreed.

2.0 Planning History

- 2.1 There is no relevant planning history relating to this site.

3.0 Policy

- 3.1 The relevant saved policies of the adopted Local Plan in this matter are:

ENV1	Design and Environmental Quality.
SD2	Settlement Hierarchy
GBC1	Appropriate Development in the Green Belt

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

4.0 Considerations

- 4.1 The determining issues in this case remain as set out in the attached earlier report.
- 4.2 Members will be aware that, where possible and appropriate, Officers will seek to remedy breaches of planning control without recourse to the service of formal notices. This is in accordance with national planning

policy on enforcement which indicates that “addressing breaches of planning control without formal enforcement action can often be the quickest and most cost effective way of achieving a satisfactory and lasting remedy”. However, attempts to remedy this particular breach through negotiation did not result in a timely resolution to the matter and, given the disturbance being caused to neighbouring properties, it was considered appropriate and proportionate to issue the previously authorised enforcement notice, but with a reduced compliance period of three months. This ensured that the Enforcement Notice would come into effect at a similar time as if it had been served before the voluntary compliance period was agreed.

- 4.3 Accordingly, following the agreement of the local Member and the Chairman, in accordance with the Council’s constitution, the enforcement notice was served on 21st November 2014 with a revised 3 month compliance period.

5.0 Recommendation

- 5.1 That Members note and agree the decision of the Director of Neighbourhood Services to issue, under delegated authority, an enforcement notice with a revised compliance period to that authorised by the Committee in June 2014.