

E/14/0179/A – Unauthorised change of use of Turkey barn to class B8 (storage and distribution) use at Eastwick Hall farm, Eastwick, Harlow, CM20 2RA

Parish: EASTWICK

Ward: HUNSDON

RECOMMENDATION:

That the Director of Neighbourhood Services, in consultation with the Director of Internal 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: 3 Months

Reasons why it is expedient to issue an enforcement notice:

1. The development has resulted in an intensification in the use of the existing farm access track which has resulted in harm to the open, rural qualities of the area; the enjoyment of the Public Right of Way and has resulted in harm to the amenities of Eastwick Hall Farm in terms of noise and disturbance. The Council also considers that a planning condition restricting the access to the site from the farm track (i.e. not allowing access via Eastwick Hall Lane) would not be reasonable. The development does not therefore represent a sustainable form of development and conflicts with policy TR20 and ENV1 of the East Herts Local Plan Second Review April 2007 and section 4 of the National Planning Policy Framework.

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1.0 Background

- 1.1 This matter was originally reported to the Committee in May 2015 when authorisation was given to serve an enforcement notice in respect of the unauthorised use of the site for Class B purposes. The previous report to the committee is attached as **Essential Reference Paper 'A'** which sets out the background in relation to the unauthorised development.
- 1.2 Since authorisation to take enforcement action was given in May 2015, the owner submitted a new application for the use of the barn for Class B8 purposes (Ref: 3/15/1380/FUL). That application sought to address the previously identified concerns regarding the access to the site through the village and instead proposed the use of an existing farm

E/14/0179/A

access track to the west of the site as shown on the second OS plan attached to this report.

- 1.3 The new application 3/15/1380/FUL was submitted in June 2015 and was subsequently refused on the 13 November 2015 following due consideration of the new proposals for the following reason:
1. The proposed development will result in an intensification in the use of the existing farm access track which will result in harm to the open, rural qualities of the area; the enjoyment of the Public Right of Way and would result in harm to the amenities of Eastwick Hall Farm in terms of noise and disturbance. The Council further considers that a planning condition restricting the access to the site from the farm track (i.e. not allowing access via Eastwick Hall Lane) would not be reasonable. The proposed development is not therefore considered to represent a sustainable form of development and conflicts with policy TR20 and ENV1 of the East Herts Local Plan Second Review April 2007 and section 4 of the National Planning Policy Framework.

2.0 Planning History

- 2.1 The most relevant and up to date planning history for the site can be summarised as follows:

3/15/1380/FUL	Change of use of Turkey barn (barn 2) in to commercial storage (B8) Retrospective (using access track to the west)	Refused 13.11.2015
3/14/1355/FP	Change of use of Turkey barn (barn 2) in to commercial storage (B8) Retrospective (using access through the village)	Refused 06.10.2014 – Dismissed on appeal

3.0 Policy

- 3.1 The relevant policy of the East Herts Local Plan Second Review April 2007 is:

TR20 – Development Generating Traffic on Rural Roads.

ENV1 – Design and Environmental Quality

GBC9 – Adaption and Re-Use of Rural Buildings.

GBC10 – Change of use of an Agricultural Building

- 3.2 Section 4 of the National Planning Policy Framework (NPPF) are also

relevant material consideration in this matter.

4.0 Considerations

- 4.1 The use of the barn remains as reported to the committee in May this year – that is for the storage of scaffolding equipment and lorries.
- 4.2 Originally, planning permission was refused for the retention of the unauthorised use due to concerns relating to the impact of traffic on Eastwick Hall Lane – the road which links the site to Eastwick – and on neighbour amenity. The Council’s refusal was upheld on appeal when the Inspector commented that the proposal would introduce a separate use on the site that could be operated independently from the agricultural enterprise and would intensify the use of the lane. This, the Inspector considered, would harm the safety of the users of the highway and would also be detrimental to the residential amenities of residents at 71–73 Eastwick Hall Lane.
- 4.3 Since that appeal decision, the business has been using an existing agricultural track to the west of the site for access onto Acorn Street. This new access was the subject of the revised planning application 3/15/1380/FUL. In highway safety terms, having regard to the comments from the Highways Officer, it was considered that the access to Acorn Street would present an acceptable solution. However, the intensification of use of the track by commercial HGV traffic, across a significant distance of 1.7km from the site of the building, which is located on open agricultural land, would result in significant and demonstrable harm to the open, rural character of the surrounding area. Furthermore, the access follows the line of a Public Right of Way (PRoW 008) for approximately 400 metres and, whilst the Highway Authority is satisfied that there is sufficient width to enable walkers to move out of the way of traffic, there would nevertheless be a detrimental impact on the reasonable enjoyment of that Public Right of Way. For those reasons, retrospective planning permission was refused recently and this has resulted in the consideration of enforcement action.

5.0 Recommendations

- 5.1 For the above reasons, the unauthorised use of the building remains a concern and, despite the alteration to the access arrangements, it is recommended that Members again authorise the service of a Planning Enforcement Notice requiring the cessation of the unauthorised use.