

E/14/0179/A – Unauthorised change of use of Turkey barn to 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 use of the unit results in a harmful level of traffic movements from heavy goods vehicles along a narrow rural lane which is poor in terms of width, alignment and structural condition. The use results in harm to the character of the road and residential amenity of properties along the road. A number of public rights of way connect with the access road and there is potential conflict between users of the public rights of way and vehicular traffic associated with the use of the unit. The development is not considered to represent a sustainable form of development and conflicts with Policy TR20 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 The site is shown on the Ordnance Survey extract. The site is located 1.5km to the north of the small village of Eastwick. The surrounding area is mainly open arable land with large fields divided by hedgerows. The farm itself comprises of centrally located barns for agricultural use and a northern set of barns. Extensive areas of hardstanding or a 'farmyard' are located around the agricultural barns and in between them. The dwelling, Eastwick Farmhouse is located to the immediate west of the agricultural units. Three dwellings (71-73 Eastwick Hall Lane) are located around 150 metres to the east of the site and use the same access road as the farm.

E/14/0179/A

- 1.2 Concerns were expressed in May 2014 that a possible change of use of one of the barns had taken place without the benefit of planning permission.
- 1.3 Officers contacted the owner and carried out a site visit where it was found that one of the agricultural barns to the front of the site was currently being used by a scaffolding company for the storage of scaffolding and their vehicles overnight. The owner was advised that an application was required for the change of use of the barn to B8 (storage)
- 1.4 An application was submitted in July 2014 for the retrospective change of use of the barn as well as future change of use of another barn. After due consideration, the application was refused planning permission in October 2014 for the following reason;

The use of the units will result in a harmful level of traffic movements from heavy goods vehicles along a narrow rural lane which is poor in terms of width, alignment and structural condition. The proposed use will therefore result in harm to the character of the road and residential amenity of properties along the road. A number of public rights of way connect with the access road and there is potential conflict between users of the public right of way and vehicular traffic associated with the use of the units. The proposed development is not therefore considered to represent a sustainable form of development and conflicts with policy TR20 of the East Herts Local Plan Second Review April 2007 and section 4 of the National Planning Policy Framework.

- 1.5 Following the refusal the owner appealed to the Planning Inspectorate stating that planning permission should have been granted. On the 3rd March 2015 the Planning Inspectorate dismissed the appeal and again refused to grant planning permission.

2.0 Planning History

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

3/14/1355/FP	Change of use of Turkey barn (barn 2) in to commercial storage (B8) Retrospective	Refused – Dismissed on appeal
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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.
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, as currently taking place, involves the use of the unit by a scaffolding business. This business uses 4 vehicles and the unit is located around 150metres from the nearest neighbours to the east of the site and is adjacent to Eastwick Farmhouse. Having regard to the distance between the barn and those dwellings to the east of the site, the use will not result in material harm in terms of general noise and disturbance. However, the vehicle movements associated with a B8 use will have the potential to result in harm to neighbour amenity, particularly to the occupiers of those dwellings

4.2 The other units within the site are in agricultural use and any change of use of one of the barns has the potential to encourage other non-agricultural uses to come forward at the location. In that respect, it should be noted that the recently refused application and dismissed appeal sought wider non-agricultural, B8 (storage and distribution) use at the site.

4.3 The existing agricultural activities on the site do generate vehicle movements which include large agricultural vehicles and which may operate during anti-social hours. However, the reuse of this barn and other barns would result in further harm to neighbour amenity in terms of noise and general disturbance from vehicular traffic to the farm which operates independently from the farm.

4.4 In relation to the impact on the highway itself, Policy TR20 of the Local Plan seeks to resist development which will impact on rural roads where the road is poor in terms of width, alignment and construction and the increased traffic would have an effect on the local environment either to the character of the road or residential properties along it. The NPPF seeks to encourage sustainable solutions to transport. Developments that generate significant traffic movements should be

E/14/0179/A

located where the need to travel will be minimised and sustainable transport maximized. Development should be located to enable priority to be given to pedestrian movement.

- 4.5 The existing road is around 1.5km from the village and is narrow and winding with few passing places. It is a typical rural road flanked by hedgerow, trees and verge. Five footpaths connect with the road along its northern axis from Eastwick and a public footpath runs along the access road to the front of 71-73 Eastwick Hall Lane to the southern boundary of the farm buildings.
- 4.6 The size of the unit is not insignificant (around 820sq m) and the provision of a B8 use will result in additional traffic movements above that of an agricultural use. The scaffolding business has four lorries and assuming all four vehicles move in and out of the site each day, this results in eight additional HGV movements. There is also the potential that there could be additional daily journeys generating further traffic.
- 5.0 **Recommendations**
- 5.1 For the above reasons it is recommended that authorisation be given to issue and serve a Planning Enforcement Notice requiring the cessation of the unauthorised use.