

E/08/0021/A – The erection of an unauthorised industrial style link building between a Grade II listed barn and a further agricultural building, and the unauthorised material change of use from agriculture to a cricket school at Tharbies Barns, Rook End, High Wych, Herts, CM21 0LL

Parish: HIGH WYCH

Ward: MUCH HADHAM

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, Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and any such further steps as may be required to secure the removal of the unauthorised link building; the cessation of the unauthorised use and the weathertight repair of the listed building on the site.

Period for compliance: 6 months

Reason why it is expedient to issue an enforcement notice:

- 1 The site lies within the Metropolitan Green Belt as defined in the East Herts Local Plan wherein permission will not be given, except in very special circumstances, for development for purposes other than those required for mineral extraction, agriculture, small scale facilities for outdoor sport and outdoor recreation or other uses appropriate to a rural area. Both the operational development and the unauthorised use are considered to be inappropriate development and no very special circumstances are apparent in this case to warrant a departure from Green Belt policy. The development is thereby contrary to policy GBC1 of the East Herts Local Plan Second Review April 2007.
2. The unauthorised change of use has resulted in extensive and damaging alterations and extension of the buildings on the site, which are unsympathetic and detrimental to the rural character and appearance of the site and its surroundings. The development is thereby contrary to policies GBC9 and ENV1 of the East Herts Local Plan Second Review April 2007.
3. The unauthorised extension of the Grade II listed building on the site is, by reason of its size, scale, form, design and materials of construction, detrimental to the historic character, appearance and setting of the

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building and is thereby contrary to policies BH10; BH11 and BH12 of the East Herts Local Plan Second Review April 2007.

4. The unauthorised use results in a significant increase in traffic to and from the site on rural lanes of inadequate width and construction and the access is at a point where visibility for turning traffic is restricted. The unauthorised development has therefore resulted in conditions detrimental to highway safety contrary to policy TR20 of the East Herts Local Plan Second Review April 2007.
5. The unauthorised use has the potential to result in conflict between users of the shared public footpath and vehicular access to the site and is thereby detrimental to the safety, convenience and amenity of walkers on the footpath. It is thereby contrary to policy LRC9 of the East Herts Local Plan Second Review April 2007.

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1.0 Background

- 1.1 The site is shown on the attached Ordnance Survey extract. It is located on a track to the east of Tharbies Farmhouse on the un-named road through Rooks End. Photographs of the site will be available at the meeting.
- 1.2 In January 2008 a concern was expressed to the Authority regarding the construction of an industrial style building at the site. The Enforcement Officer visited the site and found a steel frame building under construction but no-one on site. There being no planning history, he wrote to the farm owners but received no reply.
- 1.3 A Land Registry check was requested and, following that, the new owner of the barns was written to in June 2008. A further site visit at that time revealed that existing extensions to two barns, one of them Grade II listed, had been demolished and a substantial industrial style painted or coated metal building on a brick plinth had been erected between the two barns.
- 1.4 The Enforcement Officer received a message stating that the new owners were out of the country but there was no further contact until September 2008 when he was contacted by agents for the owner and informed that the owner was building an indoor cricket school, something he had informally discussed with Officers in 2006. At that time he proposed building a glazed link between the existing extensions to

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provide a single building. No further contact or planning application was received by Officers.

- 1.5 In October 2008 the Enforcement Officer visited the site with the owner's agents. By this time the building was substantially complete and in use as a cricket school, which the agent described as 'of regional importance'. On that day, for example, the England fast bowling coach was on the site working with a number of customers.
- 1.6 The Grade II listed barn itself was locked and apparently unused with loose and missing weatherboards. It was not possible to view the interior of that building as the keys were not available but the industrial style extension roof was built into the roof of the listed barn. The opening in the wall of the listed barn, where the previous extension had been demolished, was covered with sheets of plywood. Part of this material was visible from the outside of the building.
- 1.7 The owner submitted applications for planning permission and listed building consent seeking retrospective permission and consent for the works and change of use that have taken place. These applications were refused under delegated powers on 25th February 2009.

2.0 Planning History

2.1 The recent planning history is as follows:

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| 3/08/2151/FP | Alterations to agricultural building for use as an indoor cricket school – Refused |
| 3/08/2152/LB | Adaptation, alteration and extension of redundant agricultural buildings for use as an indoor cricket school – Refused |

3.0 Policy

3.1 The relevant policies in this matter are:

- GBC1 – Appropriate development in the Green Belt
- GBC9 – Adaption and Re-use of Rural Buildings
- BH10 – Extensions or Alterations to a Listed Building
- BH11 – Conversion or Change of Use of a Listed Building
- BH12 – Development Affecting the Setting of a Listed Building
- ENV1 – Design and Environmental Quality
- LRC9 – Public Rights of Way

4.0 Considerations

- 4.1 In this matter, the main issues to be considered are the appropriateness of the development within the Metropolitan Green Belt; its impact on the rural character and appearance of the buildings and the surrounding area; the impact of the new link building on the historic character and appearance of the Grade II listed building; and highway safety issues.
- 4.2 Policy GBC1 states that permission will not be given for inappropriate development in the Green Belt unless it falls within one of nine specified criteria or in circumstances where there are very special circumstances that warrant a departure from Green Belt policy. In this case however, neither the unauthorised use nor the unauthorised extension of the buildings falls within any of the criteria in that policy. The use is neither small scale nor is it required for outdoor sports and recreation. Furthermore, the re-use of one of the buildings on the site does not accord with policy GBC9 of the Local Plan and the unauthorised extension is clearly excessive in size and scale in relation to the Listed Building on the site. Officers therefore consider that both the operational development and the unauthorised use constitute inappropriate development in the Green Belt.
- 4.3 Furthermore, Officers are not satisfied that there are any very special circumstances in this case which would clearly outweigh the harm that is caused to the Green Belt as a result of this development by reason of inappropriateness and other harm to the character and appearance of the Listed Building on the site and the rural character of the surrounding area.
- 4.4 The unauthorised use does, in part, involve the re-use of a redundant rural building (that to the northern end of the new link building). However, policy GBC9 states that permission will only be permitted for the conversion or re-use of rural buildings in circumstances where six criteria are met. This development has resulted in extensive and damaging alterations to the building and thereby fails to meet criteria, (c), (e) and (f) of that policy and is therefore contrary to it.
- 4.5 In respect of the alteration and extension of the listed building on the site, Officers consider that the link building that has been constructed has a significant detrimental impact on the historic character and appearance of the building. It is of an excessive size and scale that dominates the listed building and its form, design and materials of construction are clearly inappropriate to the traditional form of the building and detrimental to its historic character. Policies BH10, 11 and 12 of the Local Plan however require that any extensions, alterations or

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re-use of listed buildings preserve or enhance the appearance and setting of the listed building. This development clearly detracts from both the listed building and its setting and is therefore contrary to policies BH10; BH11 and BH12 of the Local Plan.

- 4.6 Policy ENV1 also requires that all developments are of a high standard of design to reflect local distinctiveness. Furthermore, they should relate well to the massing of adjacent buildings, consider the impact of open land on the character and appearance of the area and minimise the loss or damage to any important landscape features. This development however, relates poorly to surrounding development and is conspicuous within the surrounding area to the detriment of its rural character. It is therefore also contrary to policy ENV1 of the Local Plan.
- 4.7 County Highways have confirmed that they object to the unauthorised use of the site as they consider that it results in additional traffic using the narrow and unsuitable local road network which is contrary to policy TR20 of the Local Plan. Furthermore, the access to the site is at a point where visibility for turning traffic is restricted which is also contrary to that policy and detrimental to highway safety.
- 4.8 Finally, the access track to the site is also a public footpath and County Highways are concerned that this development leads to conditions on that shared surface which are prejudicial to the safety of walkers on the footpath. Furthermore, the use would also be detrimental to the amenity of the footpath, making its use unattractive for walkers. This is contrary to policy LRC9 of the Local Plan.

5.0 Recommendation

- 5.1 It is therefore recommended that authorisation be given to issue and serve a Planning Enforcement Notice and a Listed Building Enforcement Notice requiring the removal of the unauthorised operational development from the land, the cessation of the unauthorised use; and the weathertight repair of the Grade II listed barn using materials and construction methods to be approved by the local planning authority.