

5H E/08/0331/B - Unauthorised erection of a portacabin building and use of a compound for the storage of redundant frames in connection with the business of “Windowman and Sons”, a double glazing company, at Foxholes Farm, London Road, Hertford, SG13 7NT.

Parish: HERTFORD

Ward: HERTFORD CASTLE

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 removal of the unauthorised developments from the land.

Period for compliance: 3 months.

Reasons why it is expedient to issue an enforcement notice:

1. The portacabin building and storage compound lie within the Metropolitan Green Belt as defined in the East Hertfordshire 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 participatory sport and recreation or other uses appropriate to a rural area. These developments do not relate to any of these uses, and there are no very special circumstances apparent in this case to justify their retention. Furthermore, the unauthorised building is not of a suitable design and materials for the surroundings. The developments are therefore contrary to policies GBC1, GBC7 and GBC8 of the East Herts Local Plan Second Review April 2007 and contrary to national planning guidance in PPG2.

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1.0 Background

- 1.1 The site is shown on the attached OS extract. It lies on the northern side of London Road about 500 metres East of the junction with the A414. The site is within the Metropolitan Green Belt.
- 1.2 Foxholes Farm is used for a number of diverse planning uses. In addition to the farm, farm shop and yogurt production facility, the former dairy buildings have an approved business use, an area of land at the site is used for the storage of caravans, a further area has a lawful use for the

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storage of scaffolding and a barn has permission for the long term storage of builders plant and materials.

- 1.3 In July 2008 a concern was expressed to the Council that the site was being used for a number of other businesses without the benefit of planning permission.
- 1.4 The enforcement officer visited the site in September 2008 and as a result of that visit, and subsequent correspondence, a number of businesses vacated the site.
- 1.5 In February 2010 the enforcement officer made a further pre-arranged visit to the site with the owner and his agent. Whilst on site the officer noted that a portacabin building had been installed at the rear of the former dairy building occupied by a double glazing company. The fascia and one side of the portacabin had been covered in plastic cladding with doors and windows from the company's range inserted therein. The building is used as a showroom and office for the company who lawfully occupy the adjacent former dairy building.
- 1.6 The officer also noted another area of the farm where there were a number of blue bins and skips, with old window frames and garage doors apparently removed from properties. The area resembled a small waste transfer station and was used for the business purposes of the company.
- 1.7 Following correspondence between the enforcement officer and the owner's planning agent, a retrospective planning application was submitted under application number 3/10/1299/FP seeking to regularise these developments. A planning report submitted with the application indicates that the portacabin has been in place for a period of three years. This application was refused under delegated powers on 14th September 2010.
- 1.8 The enforcement officer subsequently spoke with the planning agent who indicated that the owner intended to appeal against the refusal to grant planning permission. As the portacabin may become lawful during the appeal process if an enforcement notice is not served on it, officers consider that it is necessary to serve such a notice to prevent this development acquiring immunity from enforcement action.
- 1.9 Officers' are aware of other enforcement issues at Foxholes Farm and discussions are taking place between the owner, his agent and both planning and enforcement officers with regard to those matters. It is likely that other planning applications will be made in the near future. In taking action against this matter the identified site will be the development areas only to ensure that any notice will not have the effect of regularising any

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further breaches of planning control elsewhere on the farm by reason of under-enforcement.

1.10 Photographs and plans of the site will be available at the meeting.

2.0 Planning History

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

3/89/2007/FP	Use of land for storage of caravans.	Approved.
3/90/1330/FP	Fenced compound with mobile office forming transfer depot (Building waste).	County matter.
3/92/0284/FP	Conversion of existing barn to dwelling.	Refused.
3/93/0017/OP	Erection of dwelling for occupation by farm manager.	Refused.
3/93/0911/OP	Erection of dwelling for occupation for farm manager.	Refused.
3/96/0304/OP	Erection of stockman's dwelling.	Refused.
3/97/0805/FP	Conversion of barn to dwelling for agricultural worker, amended proposal.	Refused.
3/02/0679/FP	Continued use of barn for long term storage of builders plant and materials.	Approved.
3/02/0680/FP	Change of use of former dairy buildings to B1c and B8 use.	Approved.
3/02/2197/CL	Storage of scaffolding.	Approved.
3/04/1997/FP	Change of use of agricultural barn to storage and distribution B8 (Retrospective).	Withdrawn by applicant
3/04/2125/FP	Change of use of land to create hard standing for vehicle parking and associated offices, welfare facilities and diesel tank.	Refused.

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3/06/0027/FP	Construction of building for use as a farm shop, butchery and farm office.	Approved.
3/06/2522/FP	Change of use of scaffolder's compound to coach park and barn to a maintenance depot, erection of ancillary offices.	Withdrawn by applicant.
3/09/1653/FP	Change of use of scaffolder's compound for depot for non-agricultural vehicles, plan and equipment and installation of weighbridge.	Withdrawn by applicant.
3/10/1100/FP	Change of use of farm buildings to Building A (Retail A1), Building B (B2 workshop & B8 storage) and Building C (B8 storage) – Retrospective.	Approved.
3/10/1299/FP	Installation of a portacabin for use as an office/showroom.	Refused.

3.0 Enforcement History

- 3.1 Thirteen enforcement files have been opened on Foxholes Farm since 1998, six of them relating to the use of the site as an operating centre. Other concerns have related to the use of the site as a depot for companies operating businesses such as road surfacing contractors, a coach company, a scaffolding company and a crane hire company. Further concerns have been raised with regard to the use of a barn for a coach repair operation, the creation of a hardstanding and the erection of a weighbridge. Members may recall that planning enforcement notices were authorised in 2007 with regard to the unauthorised use of part of the farm as a depot for Reg's Coaches. Those notices were subsequently upheld at a public inquiry and that use has now ceased.

4.0 Policy

- 4.1 The relevant national policy in this matter is contained within PPG2 - Green Belts and PPS1 Delivering Sustainable Development.

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4.2 The relevant saved policies of the adopted local Plan in this matter are:-

GBC1 Appropriate Development in the Green Belt.

GBC7 Agricultural Development.

GBC8 Rural Diversification.

ENV1 Design and Environmental Quality.

5.0 Considerations

5.1 As previously mentioned, the site is within the Green Belt wherein National and Local Plan policies are aimed at the protection of the countryside and the prevention of inappropriate development. It is considered that the unauthorised developments represent encroachment of the countryside and adversely impact upon the openness of the Green Belt. It is therefore contrary to saved policy GBC1 of the East Herts Local Plan Second Review April 2007 and to National policy contained in paragraph 3.4 of PPG2.

5.2 Officers do not consider that the new portacabin is essential to the operation and it does not, therefore, support the diversification of the farm enterprise as a whole. Policy GBC8 relating to farm diversification refers to the provision of new buildings, but states that these must meet the criteria of policy GBC7. However officers do not consider that the portacabin does so. It is not of a design, appearance or materials that is sympathetic to its surroundings. The proposal as such fails to comply with policy GBC7 and therefore with GBC8 of the East Herts Local Plan Second Review April 2007.

6.0 Recommendation

6.1 It is therefore recommended that authorisation be given to issue and serve a Planning Enforcement Notice requiring the removal of the unauthorised developments.