

5n E/09/0443/A - Unauthorised erection of residential outbuilding, at Highlands, Friars Road, Braughing Friars, CM23 3JH.

Parish: BRAUGHING

Ward: BRAUGHING

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 building from the land.

Period for compliance: 6 months.

Reasons why it is expedient to issue an enforcement notice:

1. The cumulative effect of the outbuilding, together with the extensions previously added to the property and other outbuildings erected at the site, has disproportionately altered the size of the original dwelling to the detriment of the character and appearance of the dwelling and the rural character of the area. It is therefore contrary to saved policies GBC3 and ENV5 of the East Herts Local Plan Second Review April 2007.
2. The application site lies within the Rural Area as defined in the East Hertfordshire Local Plan wherein there is a presumption against development other than required for agriculture, forestry, small scale local community facilities or other uses appropriate to a rural area. The development is prejudicial to this policy, set out at policies GBC2 & GBC3 within 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 OS extract. It lies on the eastern side of the northbound spur road leading off the main part of Friars Road, about 325 metres North of that junction. The site is situated within the Rural Area Beyond the Green Belt as defined within the East Herts Local Plan Second Review April 2007.
- 1.2 In October 2009 a concern was expressed to the Authority that a detached residential annexe had been constructed within the grounds of the above site without the benefit of planning permission. This information was supported by information contained on an estate agents' website which also

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showed that the property, prior to the recent extensions, was an eight bedroomed house.

- 1.3 The enforcement officer contacted the owners and then corresponded with a planning agent appointed by them. On 20th January 2010 enforcement and planning officers' visited the site with the owner and his agent.
- 1.4 The officers noted that the outbuilding had the appearance of a bungalow, constructed in brick and weatherboarding, with a clay tile roof. The building contained an integral garage and had two bay windows underneath hipped dormer features in the roof. An internal inspection of the property showed that it was fitted out as a two bedroom bungalow, one bedroom having en-suite facilities. It also contained a family bathroom, a kitchen and a living room, all finished to an extremely high standard.
- 1.5 The outbuilding was being lived in by the parents of the owner of the property, who considered that the works were 'permitted development'. He stated that he had constructed the building as a games room but then converted it into a residential annexe for his parents.
- 1.6 The owner told officers on site that the building was completed in January 2009 and that he decided to convert it in June 2009. He stated that the works commenced in July 2009 and that the building was complete in September 2009. These dates differ slightly from those supplied by the owner in later correspondence to the Council; however officers note that Council Tax records indicate that the building has been occupied since 1st August 2009.
- 1.7 Building Control records indicate that the building was signed off on 21st January 2009. The District Surveyor recalls that at this time the internal layout of the building had been basically constructed in its existing layout, the walls plastered and the floor carpeted. There were no fixtures and fittings installed nor was the building internally decorated.
- 1.8 Further information on the Building Control file indicates that the piling specification for the foundations, dated May 2008, shows the specification for a "New Dwelling, 'chalet bungalow' design" of "conventional construction". The domestic electrical installation certificate, completed on 23rd October 2008, shows a cooker circuit as being fitted in addition to seven other heating, lighting and ring main circuits. Officers consider that this is indicative of a development that was intended for a residential use from the design stage.

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- 1.9 The main house itself had been recently extended and, additionally, now had a link to another former two storey outbuilding which had been incorporated into the dwellinghouse. Elsewhere within the grounds a further extensive outbuilding had been constructed. This outbuilding comprised a quadruple garage and pool room.
- 1.10 The owner subsequently submitted an application for a Certificate of Lawful Use, under application number 3/10/1542/CL, seeking the Authority's agreement that the building was permitted under the terms of Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order. That application was refused by officers under delegated powers on 15th November 2010.
- 1.11 Photographs 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:-

3/08/0824	Extensions and alterations to garage building to form a workshop (Retrospective).	Approved.
3/08/1597/FP	Demolish existing single storey side extension and replace with part single part two storey side extension to link existing workshop. New pitched roof over existing porch.	Approved.
3/09/1969/FP	Retention of two storey side extension to dwelling as built including a rear single storey link to existing workshop (Retrospective).	Approved.
3/10/0684/FP	Change of use of part of Annex to provide residential accommodation for parents.	Withdrawn by EHDC
3/10/1542/CL	Garage/recreation annex.	Refused.

3.0 Policy

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

GBC2 The Rural Area Beyond the Green Belt.

GBC3 Appropriate Development in The Rural Area Beyond the Green Belt.

ENV5 Extensions to Dwellings.

4.0 Considerations

4.1 Officers consider that there is sufficient information to show that this building was not erected for purposes incidental to the residential use of the main house on the site. Whether or not it was ever used as a games room is unclear but, in any event, it was used for primarily residential purposes within a very short period of time. This, together with the design and size of the building, means that it does not, in Officers opinion, fall within the criteria of 'permitted development'. The building itself is therefore unauthorised and unlawful in planning terms.

4.2 The property itself has been significantly extended in recent years and, additionally, a former two storey "workshop" has also been incorporated into the main property. A further quadruple garage and attached pool room have also been built in the ground. The cumulative effect of the "annexe" outbuilding, together with the extensions previously added to the property and the other outbuilding erected at the site, has disproportionately altered the size of the original dwelling to the detriment of the character and appearance of the dwelling and the rural character of the area. The retention of the outbuilding would thereby be contrary to policies GBC3 and ENV5 of the Local Plan.

5.0 Recommendation

It is therefore recommended that authorisation be given to issue and serve a Planning Enforcement Notice requiring the removal of the unauthorised development from the land, the removal of resultant spoil from the site and for the reinstatement of the land to its former condition.