

5m E/10/0095/A–Unauthorised change of use of land and unauthorised erection of tree house and walkway at 1 Henderson Place, Epping Green, Hertford, Herts, SG13 8GA

Parish: LITTLE BERKHAMSTEAD

Ward: HERTFORD – RURAL SOUTH

RECOMMENDATION:

That the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under s.172 of the Town and Country Planning Act 1990 and any such further steps as may be required to cease the unauthorised use of the land and to secure the removal of the tree house and walkway.

Period for compliance: 3 months

Reason why it is expedient to issue an enforcement notice:

The unauthorised change of use of the land from woodland to garden land represents an incursion into the countryside which has an adverse effect on the character and appearance of the local landscape, and the potential to adversely affect wildlife within the woodland. It is therefore contrary to policies ENV1, ENV2, ENV7, ENV16 and ENV17 of the East Herts Local Plan Second Review April 2007 and national policy contained in PPS1 and PPS9.

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1.0 Background:

- 1.1 The site is shown on the attached Ordnance Survey extract. It lies within the hamlet of Epping Green and within the parish of Little Berkhamstead. The site is on a private development of 11 dwellings at the former Epping House School.
- 1.2 It was brought to the attention of the Enforcement team in March 2010 that the owners of the property had erected a tree house and linked walkway within the woodland at the end of their garden but outside of their residential curtilage.
- 1.3 The owner was contacted and following a visit to the site, was advised that the works were unauthorised; and that planning permission was required for the structures and the use of the land.

E/10/0095/A

- 1.4 On the 5th October 2010, a retrospective application for planning permission was submitted for change of use of the woodland into garden land. After due consideration the application was refused permission for the following reasons;
1. The proposed change of use of the land from woodland to garden land represents an incursion into the countryside which would have an adverse effect on the character and appearance of the local landscape, and would therefore be contrary to policies ENV1, ENV2 and ENV7 of the East Herts Local Plan Second Review April 2007 and national policy PPS1.
 2. Insufficient information has been provided for the local planning authority to assess the impact of the proposed development on wildlife within the woodland as required by policies ENV1, ENV16 and ENV17 of the East Herts Local Plan Second Review April 2007 and national policy PPS9.
- 1.5 Photographs of the site will be available at the meeting.

2.0 Planning History:

- 2.1 The recent relevant planning history is as follows:

3/10/1757/FP Change of use of land from woodland to Refused
garden land.

3.0 Policy:

- 3.1 The relevant policies of the East Herts Local Plan Second Review April 2007 are:

ENV1 - Design and Environmental Quality
ENV2 - Landscaping
ENV7 - Extension of Curtilage of a Residential Property
ENV16 - Protected Species
ENV17 - Wildlife Habitats

National policies PPS1 and PPS9 are also relevant in this case.

4.0 Considerations:

- 4.1 The site lies within the Metropolitan Green Belt wherein policy GBC1 of the Local Plan is relevant. That policy states that material changes in the use of land in the Green Belt, will be inappropriate unless they maintain openness and do not conflict with the purposes of including land in the Green Belt. Essential small scale facilities for outdoor sport and recreation are however considered appropriate development.
- 4.2 This residential property has a substantial garden area around the existing dwelling. Officers do not therefore consider that the change of use of the woodland to incorporate it into this curtilage is “essential” as required by Green Belt policy.
- 4.3 The change of use that has occurred is therefore inappropriate development in the Green Belt and is harmful in principle. Furthermore, the structures placed within the woodland are substantial and in themselves, detract from the openness and rural character of the surrounding area. This is contrary to both policies GBC1 and ENV7 of the Local Plan.
- 4.4 Policy ENV7 advises that the extension of the curtilage of a residential property into the countryside may be permitted only if the proposal is not likely to result in an adverse effect on the character or appearance of the local landscape and does not involve areas of existing archaeological or ecological significance.
- 4.5 Policies ENV16 (Protected Species) and ENV17 (Wildlife Habitats) additionally seek to protect wildlife and are also relevant in this case. Neighbouring property owners have advised that the woodland is used by a wide variety of wildlife such as owls, bats, grass snakes, badgers, foxes and deer. Officers consider that the incorporation of the land into garden area would be prejudicial to protected species and other wildlife and as no biodiversity surveys or mitigation measures were put forward by the applicant within the recent retrospective application, this concern remains.
- 4.6 The woodland abuts the access road to Henderson Place and contributes to the street scene where it meets the main road running south from Little Berkhamsted. As such this landscape feature makes a significant contribution to the character and appearance of the locality in this rural location. It is considered that the change of use of this land from woodland to residential garden has an adverse impact on the local landscape and again, this is contrary to policies ENV1 and ENV2 of the Local Plan.

E/10/0095/A

5.0 Recommendation:

- 5.1 For the above reasons, it is recommended that authorisation be given to issue and serve a Planning Enforcement Notice requiring the residential use of the land to cease and the removal of the tree house and linked walkway.