

5x E/11/0127/B - Unauthorised residential use of a caravan on land at Highbury Farm, Wood End, Ardeley, SG2 7BD

Parish: ARDELEY

Ward: WALKERN

RECOMMENDATION:

That Members:

- a) note the service of an urgent enforcement notice under delegated authority, in consultation with the Chairman on 9th May 2011 requiring the cessation of the unauthorised use and the removal of the caravan from the land and confirm their agreement to such action.
- b) authorise the Director of Neighbourhood Services, in consultation with the Director of Internal Services to take any such further steps as may be required to secure compliance with the requirements of the notice served.

Period for compliance given: 3 months.

Reasons why it is expedient to issue an enforcement notice:

1. The 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 residential development is contrary to this policy, set out at saved policies GBC2 & GBC3 within the East Herts Local Plan Review April 2007.
2. The development, by reason of its materials and detailed appearance is of a poor standard of design, detrimental to the character and appearance of the Conservation Area and contrary to policies ENV1 and BH6 of the East Herts Local Plan Second Review April 2007 and national planning guidance in PPS1 'Delivering Sustainable Development' para 34 and PPS5.

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1.0 Background:

- 1.1 The site is shown on the attached Ordnance Survey extract. It is situated on the south side of the un-named road through Wood End about 200 metres east of the road junction in the centre of the hamlet of Wood End.

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- 1.2 In April 2011 a concern was expressed to the Council that a mobile home had been sited on the above land, at the southern end of the farmyard since July 2001.
- 1.3 There is a public footpath that runs through the farmyard and then eventually leads to Great Munden. The caravan is clearly visible from the footpath leading into Wood End and detracts from views into and out of the Conservation Area. The caravan itself is sited about 5 metres outside the southern boundary of the Conservation Area.
- 1.4 An enforcement officer visited the site and spoke to the farmer who stated that in July 2001 he had rented the site to a lorry driver, who had been living there ever since. When it was pointed out to him that such a use of the land required planning permission he stated that he had asked the tenant to vacate his land but the tenant refused to do so claiming tenancy 'rights'.
- 1.5 The Enforcement officer informed the farmer that planning permission was unlikely to be granted for the residential use of the land, which already has an agricultural dwelling on it, particularly as the tenant has no connection with the farm business or area. He was further informed that given the short time left before the use became immune from enforcement action it was likely that an enforcement notice would be issued and served very shortly. The farm owner stated that he would welcome such action.
- 1.6 The enforcement officer spoke to the Chairman of the Development Control Committee, Cllr Ashley, who authorised the service of a planning enforcement notice under powers in the Constitution to act in urgent circumstances.
- 1.7 The enforcement notice was served on 9th May 2011.
- 1.8 Photographs of the site will be available at the meeting.

2.0 Planning History:

- 2.1 There is no recent planning history for the site, although the house and agricultural buildings within the farmyard have had permission.

3.0 Policy:

- 3.1 The relevant policies in this matter are:

GBC2 – The Rural Area Beyond the Green Belt

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- GBC3 – Appropriate Development in the Rural Area Beyond the Green Belt
- BH6 – New Developments in Conservation Areas
- ENV1 – Design and Environmental quality

4.0 Considerations:

- 4.1 In this matter, the main issues to be considered are the inappropriate residential use of the land sited within the Rural Area Beyond the Green Belt as defined within the adopted East Herts Local Plan and the negative impact of the unauthorised development on the character and appearance of the adjacent Conservation Area of Wood End, which it abuts.
- 4.2 Within the Rural Area there is a presumption against development except in certain specified circumstances. The provision of new residential accommodation is not one of those specified circumstances, unless it can be shown that there is a need for agricultural workers accommodation on the site in accordance with policy GBC5. That is not the case here. The farm is already served by a farm dwelling and the occupier of the caravan is not connected with the agricultural business of this land. Officers' therefore consider that this inappropriate residential use of the land is contrary to the aims and objectives of Rural Area policy as set out in policy GBC3 the adopted local plan.
- 4.3 Officers further consider that the mobile home is harmful to the character and appearance of the surrounding area and the views into and out of the Conservation Area.
- 4.4 Because the residential use of the land will become immune from enforcement action after ten years, Officers' considered it necessary to serve an enforcement notice as a matter of urgency. Accordingly the powers delegated to officers to issue such notices in consultation with the Chairman were used in this case to serve the enforcement notice.

5.0 Recommendations:

- 5.1 Members are asked to confirm their agreement to that action; note the service of the enforcement notice under delegated authority, in consultation with the Chairman, on 9th May 2011 and authorise the Director to take any such further steps as may be required to secure compliance with the requirements of the notice served.