

EAST HERTS COUNCIL

DEVELOPMENT CONTROL COMMITTEE – 14 SEPTEMBER 2011

REPORT BY DIRECTOR OF NEIGHBOURHOOD SERVICES

6. UPDATE ON ENFORCEMENT ACTION ON THE LAND NORTH OF THE OLD COACH ROAD, BIRCH GREEN, HERTFORD, SG14 2LP

WARD(S) AFFECTED: Hertford Rural South

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**Purpose/Summary of Report**

- To update Members on recent enforcement action at the above site.

<b><u>RECOMMENDATION FOR DECISION: that</u></b>	
(A)	The report be noted; and
(B)	Enforcement action taken in respect of this site be endorsed.

1.0 Report

1.1 This report is to update members of the Development Control Committee on current enforcement action at the land north of the Old Coach Road, Birch Green, Hertford, SG14 2LP. A site plan showing the site is attached.

1.2 Members may be aware that on Saturday 27<sup>th</sup> August 2011, a parcel of land to the west of no.12 Birch Green, Hertford, SG14 2LP was levelled and hard surfaced and three travellers' caravans and a number of vehicles moved onto the site.

1.3 At 17:00hrs on the 27<sup>th</sup> August 2011 Officers served an Injunction on the persons on site and on the land. This injunction required that, until such time as authorised by the grant of planning permission or until further Order of the Court, the defendants are forbidden:

1. from using any part of the land, known as land north of the Old Coach Road, west of 12, Birch Green, Hertford ("the land") as shown outlined in red on the attached plan for the siting of caravans/mobile homes and/or using the land for residential development including the occupation of

caravans/mobile homes for residential purposes, storage of vehicles, caravans and residential paraphernalia.

2. from undertaking any development on the land as defined in section 55 of the Town and Country Planning Act 1990 without the express grant of planning permission including the laying of hardcore and creation of hard standings and/or access roads.
- 1.4 From evidence supplied by Officers; the police and other persons, it appears that work continued on site, in breach of the injunction. This included the continuation of the use of the land for residential purposes; the laying of hard standings, and the erection of fences. This, in the opinion of Officers, constitutes contempt of the Injunction and is a matter currently being pursued by the Legal Department, with the possibility of committal proceedings being brought.
- 1.5 Officers in the Planning Enforcement section have also drafted an Enforcement Notice (Material Change of Use) requiring the cessation of the residential use of the land and the removal of the caravans and vehicles from the land. A second Enforcement Notice (Operational Development) requires the removal of the hard surfacing from the site and reinstatement of the land to its former condition.
- 1.6 At the time of writing this report, the notices have not yet been served. However, it is likely that, with the agreement of the Chairman, they will be issued and served upon all parties who have an interest in the land before the Development Control committee in September. Members will be updated on this at the meeting.
- 1.7 For the sake of clarity and transparency, this will be carried out in accordance with paragraph 14 of section F, Part 3 of the Council's Constitution which states:

“In cases of urgency and subject to consultation with the Chairman, to arrange for the serving of building preservation notices, enforcement notices, temporary stop notices, and Directions under Article 4 of the town and Country Planning (General Permitted Development) Order 1995, stop notices and directions relating to unlisted buildings in conservation areas.”
- 1.8 The Chairman has been briefed on the situation and has confirmed his agreement to the proposed enforcement action.

- 1.9 An application has now been received by the Development Control section and this is seeking planning permission for three residential caravan pitches - 3 mobile homes, associated touring caravans and vehicles. This application, when registered, will be determined in accordance with local plan policy in the normal way.
- 1.10 The Head of Planning and Building Control, together with the Principal Planning Enforcement Officer, attended a meeting of approximately 180 local residents on Tuesday evening, 20<sup>th</sup> August at Birch Green School and gave details of the actions taken and those proposed by the Council. Representatives of the local Parish Council and Police were also in attendance.
- 1.11 The above information is correct and up-to-date at the time of writing this report; however further information, if necessary, will be given verbally at the meeting.

#### Background Papers

None.

Contact Member: Malcolm Alexander, Executive Member for Community Safety and Environment.

Contact Officer: Glyn Day, Principal Planning Enforcement Officer, Extn: 1551.

Report Author: Glyn Day, Principal Planning Enforcement Officer, Extn: 1551.

ESSENTIAL REFERENCE PAPER 'A'

Contribution to the Council's Corporate Priorities/ Objectives (delete as appropriate):	<p><b>Caring about what's built and where</b> <i>Care for and improve our natural and built environment.</i></p> <p><b>Shaping now, shaping the future</b> <i>Safeguard and enhance our unique mix of rural and urban communities, ensuring sustainable, economic and social opportunities including the continuation of effective development control and other measures.</i></p>
Consultation:	Not subject to consultation.
Legal:	Enforcement notices are all subject to consultation with the Legal Manager.
Financial:	Enforcement Notices can result in appeals with associated costs.
Human Resource:	None.
Risk Management:	Risks associated with enforcement action are considered prior to the decision to take formal action.