

**5r E/11/0174/A – The unauthorised erection of a partially roofed area of raised decking and the creation of a fenced enclosure at The Brambles, 117 High Street, Buntingford, SG9 9AF**

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**Parish: BUNTINGFORD**

**Ward: BUNTINGFORD**

**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 development.

Period for compliance: 3 months.

Reason why it is expedient to issue an enforcement notice:

1. The development is detrimental to the character and setting of the listed building, a designated heritage asset. The works are therefore contrary to policy HE10 of PPS5.
2. The development is detrimental to the character and appearance of the Conservation Area of Buntingford and fails to take the opportunity to positively contribute to its significance. The development is therefore contrary to policy HE10 of PPS5 and Policy BH6 of the East Herts Local Plan Second Review April 2007.
3. The development by reason of its height, scale, materials and detailed appearance is of a poor standard of design, unsympathetic to the context of the site and fails to take the opportunities available for improving the character and quality of the area. The proposal is thereby contrary to Policy ENV1 of the East Herts Local Plan Second Review April 2007 and national planning guidance in PPS1 'Delivering Sustainable Development' para 34.

\_\_\_\_\_ (017411A.CA)

**1.0 Background:**

- 1.1 The site, a Grade II listed building, is shown on the attached Ordnance Survey extract. It is sited on the west side of High Street about 75 metres south of the junction with Freman Drive. It is also situated within the Conservation Area of Buntingford.

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- 1.2 In June 2011 a concern was expressed to the Council that a covered stage and decking had been erected at the site without the benefit of planning permission.
- 1.3 On 17<sup>th</sup> June 2011, in response to an enquiry from the licensee, a planning officer confirmed to her by e-mail that planning permission was required for a 'sheltered decking area'.
- 1.4 The enforcement officer contacted the licensee and met her site on 1<sup>st</sup> July 2011. In addition to the partly roofed decking area he also noted that there was a wooden gated enclosure, apparently to house waste bins, adjacent to the rear of the listed building. The enforcement officer also informed her that the development as a whole required planning permission. The licensee stated that these areas were essential to her business and that it was her intention to make a retrospective planning application.
- 1.5 The enforcement officer then wrote to confirm that permission was required and requesting that any retrospective application be submitted within 28 days.
- 1.6 As no further contact has been made with regard to this matter, the enforcement officer has consulted the Conservation Officer, who considers that the development is harmful to the setting and appearance of both the listed building and the wider Conservation Area in which it is sited.
- 1.7 Photographs of the site will be available at the meeting.

### **2.0 Planning History:**

3/96/0083/LB	Internal alterations and refurbishment.	Granted.
3/04/0840/LB	Sub-divide original bathroom into two and install new suite. Block up original doorway. Formation of en-suite shower rooms to two bedrooms.	Granted.

### **3.0 Policy:**

- 3.1 The relevant policies in this matter are:-

BH6	–	New Developments in Conservation Areas, and
HE10 of PPS5	–	Development affecting the setting of a designated

heritage asset.

**4.0 Considerations:**

- 4.1 The main consideration in this matter is the impact of the development upon the adjacent Grade II listed building and the Conservation Area of Buntingford.
- 4.2 Officers are of the opinion that this development does not positively contribute to the designated heritage asset, or to the wider conservation area, and is harmful to their distinctive historic and architectural importance.
- 4.3 Officers have weighed any possible public benefit of the works, but do not consider that this outweighs the harm to the listed building or to the Conservation Area.

**5.0 Recommendations:**

- 5.1 It is therefore recommended that authorisation be given to issue and serve a Planning Enforcement Notice requiring the removal of the unauthorised development and the restoration of the land to its condition prior to the unauthorised development.