

5e E/11/0359/B – Unauthorised change of use of agricultural land to dog training and erection of ancillary shelter at Land east of Thorley Street, Thorley, Bishop’s Stortford, Herts, CM23 4AP

Parish: THORLEY

Ward: BISHOP’S STORTFORD – SOUTH

RECOMMENDATION:

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

Period for compliance: 1 Month

Reasons why it is expedient to issue an enforcement notice:

The application site lies within the Metropolitan Green Belt as defined in the East Hertfordshire Local Plan wherein permission will not be given except in very special circumstances for development for purposes other than those required for mineral extraction, agriculture, small scale facilities for participatory sport and recreation or other uses appropriate to a rural area. The use together with the shelter/store and associated car parking is harmful to the character, appearance and openness of the Green Belt, and no special circumstances are apparent in this case that clearly outweigh the harm. The proposal is therefore contrary to policy GBC1 of the East Herts Local Plan Review April 2007 and PPG2: Green Belts.

_____ (035911.PD)

1.0 Background:

- 1.1 The site is shown on the attached Ordnance Survey extract. It is a plot of land that is rectangular in shape, approximately 0.63 hectares in area and is bounded by open rail fencing. The site is located within the Metropolitan Green Belt with a railway line to the east, and to the north, south and west of the site are residential properties.
- 1.2 It was brought to the attention of the Enforcement Team in November 2011 that the owner of the land had set up a dog training/behavioural school on the site, as well as siting a wooden building to be used for purposes ancillary to this use. No planning permission had been sought for a change of use from agriculture.
- 1.3 The owner was contacted and advised that the current use of the land

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was unauthorised and therefore that a planning application was required for the change of use.

- 1.4 On the 12 December 2011, an application for planning permission was submitted for a change of use of the land from agricultural to dog training together with the ancillary shelter building. After due consideration however, the application was refused permission for the following reason:

The application site lies within the Metropolitan Green Belt as defined in the East Hertfordshire Local Plan wherein permission will not be given except in very special circumstances for development for purposes other than those required for mineral extraction, agriculture, small scale facilities for participatory sport and recreation or other uses appropriate to a rural area. The use together with the shelter/store and associated car parking would be harmful to the character, appearance and openness of the Green Belt, and no special circumstances are apparent in this case that clearly outweigh the harm. The proposal would therefore be contrary to policy GBC1 of the East Herts Local Plan Review April 2007 and PPG2: Green Belts.

- 1.5 Photographs of the site will be available at the meeting.

2.0 Planning History:

- 2.1 The relevant planning history is as follows:

3/94/1281/CL	Existing use of the land for the stationing of a mobile home.	Approved
3/11/2135/FP	Use of agricultural land for dog training and erection of ancillary shelter.	Refused

3.0 Policy:

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

GBC1	- Appropriate Development in the Green Belt
ENV1	- Design and Environmental Quality
ENV24	- Noise Generating Development

Planning Policy Guidance 2 – Green Belts; and Planning Policy Statement 7 – Sustainable Development in Rural Areas are also relevant in this case.

4.0 Considerations:

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- 4.1 The application site lies within the Metropolitan Green Belt as defined in the East Hertfordshire Local Plan wherein permission will not be given except in very special circumstances for development for purposes other than those required for mineral extraction, agriculture, essential small scale facilities for outdoor sport and recreation or other uses appropriate to a rural area.
- 4.2 The applicant outlined in the Design and Access/Planning Statement, accompanying the refused planning permission, that the principle of the use of the land is supported by PPS7: Sustainable Development in Rural Areas and that as the outbuilding that has been constructed supports a use as an essential small scale facility that relates to outdoor participatory sport and recreation, the use and building are appropriate developments within Green Belt and very special circumstances are not required to support the application.
- 4.3 However, whilst accepting that the use alone might constitute appropriate development, Officers do not consider that the associated shelter/store can be considered as an *essential* facility for outdoor sport or recreation. That is therefore considered to be inappropriate development in the Green Belt. Furthermore, the parking provision that is associated with the use has an adverse impact on openness in the area and Officers are therefore of the view that the development as a whole is inappropriate development which is, by definition, harmful to the Green Belt. As such, in accordance with national planning policy guidance in PPG2 and with the provisions of policy GBC1 of the Local Plan, planning permission should not be granted for this development unless there are material planning considerations to which such weight can be given that they clearly outweigh this harm and any other identified harm.
- 4.4 Other harm has been identified by your Officers in this case relating to the impact of the associated car parking on the openness, character and appearance of the site and the location of the shelter/store. The Design and Access/Planning Statement, submitted with the refused planning application, outlines that the building has been placed in the north western corner of the site, behind the boundary hedgerow and trees, so that it would be relatively unobtrusive. It is also outlined that the layout of the building is such that it gives appropriate space for clients to take a break during training classes and to shelter in bad weather, to provide an area for doing paperwork, as well as space for storage connected with the use. However, Officers consider that the building itself is not an essential part of the use and whilst screened partially by landscaping, the new building is visible from the highway and wider views of the site

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from eastern and southern elevations and, in Officers view, it has an obtrusive impact upon the openness of the Metropolitan Green Belt, appearing as an alien feature in relation to this part of the locality.

- 4.5 It is Officers view that the existing site represents an important open, rural space within the locality which helps to retain the openness of the area. Therefore, the construction of this outbuilding and also the area at the top of the site used for car parking has a harmful impact upon the character, appearance and openness of this site and the locality, regardless of the siting behind existing landscaping. Such a development is harmful to the rural character and appearance of the area and the Green Belt.
- 4.6 In terms of the impact that the development has upon neighbour amenity, Officers acknowledge that the outdoor nature of the use of the site and the noise caused by the dogs could affect neighbours amenity in terms of noise disturbance. However, in assessing the impact of any noise and disturbance from the site, regard has been given to the location of the site; to the west of a railway line and in close proximity to a highway and a motor repairs garage, all of which create a level of noise within the locality and also to the distance to nearby residential properties. Officers accept that some noise and disturbance would be created by the use but it is considered that if the Council were to grant planning permission for such a use, conditions could be attached to any permission to limit the impact of noise and disturbance created by it, such as conditions limiting the hours of operation and the number of dogs that could be trained at one time.
- 4.7 In summary therefore Officers consider that the current development is inappropriate development in the Green Belt which is, by definition, harmful to it. In addition, there is other harm caused to the rural character and appearance of the area by the provision of the associated parking area and the siting of a new building for storage and shelter purposes. The outbuilding and associated area of car parking result in the loss of openness and appear visually intrusive, contrary to the aims of growth restraint and the maintenance of openness within the Green Belt as set out within PPG2 and Policy GBC1 of the Local Plan.
- 4.8 The applicant has put forward no material planning considerations which clearly outweigh the harm by inappropriateness and the other identified harm such as to constitute the very special circumstances required to justify inappropriate development in the Green Belt.

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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 unauthorised use of the land to cease and the removal of the shelter.