

Committee: Development Control and Licensing Committee

Date: 12 August 2002

Agenda Item No: 7

Title: Enforcement of Planning Control
Land at Brick End, Broxted
Interests in land: Mr K Scoffield

Author: Clive Theobald (01799) 510463 and Richard Aston (01799) 510464

Summary

- 1 This report concerns the use of land for the storage of motor vehicles that officers believe have been abandoned and recommends that enforcement and, if necessary, legal action be taken requiring the cessation of the use.

Notation

- 2 ADP: Outside Development Limits, Within Stansted Airport Countryside Zone. DLP: Outside Development Limits, Within Countryside Protection Zone

Relevant History

- 3 None

Background

- 4 The site is located at Brick End, Broxted opposite the Prince of Wales Public House on the southern side of the road leading out to Mole Hill Green. It has a site area of approximately 3 hectares and is presently overgrown. The site has a large number of mature trees that act as boundary treatment and which partially screen the site from the highway. A ramshackle tin shed exists in the centre of the site. Access is via an existing agricultural access.
- 5 Up to eight vehicles have been driven onto the land and left apparently abandoned in various locations. Some of the vehicles have been subject to windscreen and other damage. None of the vehicles have been claimed. Whilst the landowner has a responsibility for securing the land from this kind of undesirable activity, no recent attempts have been made to secure the point of entry, which remains an open access from the road.
- 6 The landowner has stated that he is not prepared to remove the vehicles from the land because of the cost of doing so and for fear of being counter sued by the person(s) responsible for abandoning the vehicles for any damage caused to vehicles that do not belong to him. Whilst the Council has the permission of

the landowner to enter the land to remove the vehicles, it is not prepared to do so as this would involve a cost to it and would create an undesirable precedent. The Council has written back to the landowner informing him of this.

- 7 The use of this former agricultural land for the storage of apparently abandoned motor vehicles is unlawful under the Town and Country Planning Acts. In view of the reluctance of the landowner to remove the vehicles, it is considered expedient to now consider these powers.

Planning Considerations

The main issues in this case are (1) whether the use conforms to Policy S4 (2) whether it is an appropriate use within a rural area and (3) whether it has any detrimental effect on rural amenity.

- 8 The site lies outside Development Limits within the Stansted Airport Countryside Protection Zone at Brick End, Broxted. The relevant planning policy for the proposal is Policy S4. Paragraph 3.13 of the ADP advises that the context of S4 is to resist new building and inappropriate change of use of land within the Zone. Policy S4 states that *'new buildings which promote coalescence between the airport and existing development in the surrounding countryside, or which would adversely affect the open characteristics of the zone will not be permitted'*. Policy S8 of the Deposit Local Plan, which states that in the Countryside Protection Zone, planning permission will only be granted for *'development that is required to be there, or is appropriate to a rural area'*, further supports this. Furthermore Policy S8 states that planning permission will only be granted for *'development that is required to be there, or is appropriate to a rural area'* and *'development will not be permitted if it would adversely affect the open characteristics of the zone'*.
- 9 The use of this land for the storage of apparently abandoned vehicles at the present level of activity would not promote coalescence with the airport. However, if the use is permitted, any intensification could escalate to a level where coalescence would be likely to occur. Furthermore, the use of the land for this purpose is inappropriate in this rural location.
- 10 There are a number of vehicles on the site at present in various states of disrepair. Although partially screened from the highway by the presence of large mature trees, this is not a good reason to justify inappropriate development. It is considered that the use has a detrimental impact on the rural character of the area, and an adverse impact on the residential and visual amenity of surrounding occupiers. Furthermore the imposition of restrictive conditions could not overcome the issues above. Accordingly it would be recommended that a change of use application for this use would be refused as it would be contrary to the above policies.

Conclusion

- 11 In all of the above circumstances, it is considered expedient for enforcement action to be taken to remedy the harm that is being caused.

RECOMMENDATION

that enforcement and, if necessary, legal action be taken requiring the cessation of use of the land for the storage of motor vehicles that officers believe have been abandoned.

Background Papers: Enforcement file ENF/267/00/D

Committee: Development Control and Licensing Committee
Date: 12 August 2002
Agenda Item No: 8
Title: Appeal Decisions
Officer: Michael Ovenden (01799) 510476

The following appeal decisions have been received since the last meeting:

- 1 APPEAL BY R PALMER
PLOT ADJACENT TO SECKFORD HOUSE, THAXTED ROAD, SAFFRON
WALDEN
APPLICATION NO: UTT/0736/01/FUL**

Appeal against the refusal of planning permission for use the erection of a two storey dwelling with integral garage and shared vehicle access with Seckford House.

<u>Appeal decision:</u>	ALLOWED
<u>Date of decision:</u>	05 July 2002
<u>Original decision made by:</u>	COMMITTEE
<u>Date of original decision:</u>	16 August 2001
<u>Officers' recommendation to DC CTTE:</u>	REFUSAL

Summary of decision: Two main issues: (1) affect of use of access on highway safety and (2) impact on amenity of Seckford House.

Revised drawings were submitted as part of the appellant's case but the Inspector considered that the variations were outside the scope of the refused scheme so relied on the application drawings.

1) The Inspector concluded that although the length of the visibility splay from the access was short of the normal standards (approximately half) it would be acceptable and that the proposed improvements for access and parking for the existing property would be a significant benefit.

2) The relationship of the existing and proposed dwelling is one that is common elsewhere and that the impact of the proposal would be slight and would affect the appellant's property rather than that of a third party.

Comments on decision: The two reasons for refusal were reasonable and largely a matter of judgement. The Inspector acknowledges that the scheme has certain flaws but in his view was not so bad to justify being dismissed.

**2 APPEALS BY MR M MASON
LAND TO THE REAR OF ORIEL HOUSE, CHAPEL HILL, STANSTED
MOUNTFICHET
APPLICATION NO: UTT/1706/00/FUL**

Appeal against the refusal of planning permission for use a new two-storey dwelling house

<u>Appeal decision:</u>	ALLOWED
<u>Date of decision:</u>	05 July 2002
<u>Original decision made by:</u>	COMMITTEE
<u>Date of original decision:</u>	16 August 2001
<u>Officers' recommendation to DC CTTE:</u>	REFUSAL

Summary of decision: There were two main issues, (1) impact on the character of the area and (2) impact on the amenity of the neighbour.

1) The Inspector considered that the character of the locality is that of a built up area with a variety of dwelling types and sizes surrounding the site, some on modest plots. The site itself is not of environmental importance or significantly different from those where development has been permitted. The principle of development on this site was therefore accepted. Indeed Members will recall granting permission for a bungalow on the site at their meeting on 22 May 2002. With regard to the high proportion of the site proposed to be developed, the Inspector cited PPG3 as encouragement to use land efficiently.

2) The dwelling has been designed to avoid material overlooking by having few first floor windows, most of those being confined to the front

elevation. Following post submission revisions the length of the two-storey crosswing had been reduced to a level where the Inspector considered that the dwelling should not materially dominate or overshadow the property to the east. He withdrew rights to extend or install further windows or doors to avoid creating amenity problems in the future.

Comments on decision: The Inspector took account of the amount of development (both existing and permitted) in the locality and given PPG advice seemed to be willing to accept the development of this restricted plot unless it gave rise to clear amenity problems. However given the fairly unusual design of the dwelling the Inspector concluded that such amenity problems would not occur.

**3 APPEALS BY F M USHER SMITH
SITE ADJACENT TO NO 41 TYE GREEN WIMBISH
APPLICATION NO: A) UTT/1469/01/OP & B) UTT/1474/01/OP**

Appeal against the refusal of planning permission for erection of a) one house and garage and b) two houses and garaging.

<u>Appeal decisions:</u>	DISMISSED
<u>Date of decisions:</u>	12 July 2002
<u>Original decisions made by:</u>	COMMITTEE
<u>Date of original decisions:</u>	19 December 2001
<u>Officers' recommendations to DC CTTE:</u>	REFUSALS

Summary of decision: Although there were two proposals – one for one dwelling, the other for two dwellings – the Inspector concluded that the principal considerations were the same for both cases. The site is outside the development limit; it should be considered to be part of the open countryside and therefore protected for its own sake; and that this site on the fringe of the village was not an infill site.

Comments on decision: Two straightforward cases of unacceptable development outside settlement limits.

PART II
(Paragraphs 12 and 15 of Schedule 12A of the 1972 Act)

AGENDA ITEM NO. 11

Title: ENFORCEMENT OF PLANNING CONTROL - PROGRESS REPORT

Author: Ian Pigney (01799) 510459

	ADDRESS	UNAUTHORISED DEVELOPMENT	ACTION AUTHORISED	EFFECTIVE DATE FOR COMPLIANCE	APPEAL	COMMENTS
1	B&T Motor Salvage Duck End Stebbing	Storage of vehicles and excavations	17.8.87	1) 20.8.98 2) 20.10.98 3) 31.3.99	Yes	Injunction granted to require 1) removal of stored vehicles 2) regrading of land 3) landscaping. Partial compliance achieved. Surveying completed and details received. Business appears to have ceased trading. Further examination of evidence being pursued.
2	Martinside Stud Ladywell Drive Gt Hallingbury	Residential Mobile home	23.6.97	19.02.00	Yes	Appeal dismissed. Planning applications withdrawn. Negotiations have not proved fruitful. Injunction being sought. Hearing 25.6.02. Verbal report to be made to Members.
3	Heathview Pond Lane Hatfield Heath	Unit 9 – Preparation of hot food for home delivery	20.9.99	27.6.02	Yes	Appeal dismissed. Compliance achieved.
4	Land at Start Hill, Great Hallingbury (formerly Elliott's Yard)	(a) Storage of motor vehicles (b) Car repairs (c) Car valeting	28.2.00			Partial compliance achieved. Meeting held with landowner. Planning application for alternative use anticipated.
5	Woodcroft Stortford Road Little Canfield	(a) Breach of condition regarding demolition of bungalow	8.5.00	(i) 20.1.03 (works) (ii) 20.3.03 (removal)	Yes .	(a) Appeal dismissed. High Court challenge.
		(b) Storage building	2.7.01	(i) 17.10.02 (works) (ii) 17.11.02 (removal)	Yes Yes	(b)&(c) Enforcement notices served. Inquiry to be held 18.6.02. Appeal dismissed.
		(c) Blocking in of pole barn	23.7.01	17.9.02	Yes	

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ADDRESS	UNAUTHORISED DEVELOPMENT	ACTION AUTHORISED	EFFECTIVE DATE FOR COMPLIANCE	APPEAL	COMMENTS
6 Severals Farm Arkesden	i) Erection of buildings ii) Business use for storage/distribution	26.2.01	(i) 18.8.02 (demolition) (ii) 18.8.02 (use) (18.9.02 for removal of materials and reinstatement of land)	Yes	Appeal dismissed. Notice upheld. Planning application received for retention of building for agricultural purposes.
7 Land adjacent to Little Paddocks Cutlers Green Thaxted	(a) Engineering works (b) Contractors Office (c) External Storage	9.4.01 15.10.01 25.2.02	(a) 29.7.02 (b) 29.6.02 (c) 29.6.02	Yes Yes Yes	Enforcement Notice served. Inquiry to be held on 29.10.02.
8 Seamans Farm, Littlebury Green	Replacement building	30.4.01	(i) 16.7.02 (works) (ii) 16.7.02 (removal) (iii) 16.8.02 (reduce building height)	Yes	Appeal dismissed. Notice upheld. Planning application withdrawn. Compliance anticipated.
9 10 Church End Great Dunmow	Outbuilding	18.3.02			Enforcement Notice to be served
10 Meadowlands High Roding	Business uses	3.9.01			Enforcement Notice served.
11 Town Farm Stebbing	Single storey office building	24.9.01	24.12.01	Yes	Enforcement Notice served. Hearing to be held on 28.5.02. Appeal dismissed. Notice upheld. Compliance anticipated.
12 Woodnut, Great Canfield	(i) Boundary wall (ii) Lamp standard (iii) Landscaping	25.2.02	(i) 31.10.02 (ii) 31.10.02 (iii) 30.9.02	Yes	Enforcement Notice served.
13 Willow Farm Braintree Road Great Dunmow	Use of barn for residential purposes	25.2.02	19.2.03		Enforcement Notice served.
14 Knowlebury Little Cambridge Great Easton	Storage of cars	20.5.02	31.8.02		Enforcement Notice served

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ADDRESS	UNAUTHORISED DEVELOPMENT	ACTION AUTHORISED	EFFECTIVE DATE FOR COMPLIANCE	APPEAL	COMMENTS
15 St Theresa's Church High Lane Stansted	(i) Footpath extension (ii) Exterior Lighting	20.5.02			(i) Enforcement Notice to be served (ii) Breach of Condition Notice to be served
16 Land at West Wood Little Sampford	Unauthorised building	31.7.02	(i) 5.9.02 Discontinuance of construction (ii) 2.10.02 Remove building (iii) 17.10.02 Remove resulting materials		Enforcement Notice and Stop Notice served. See separate report

BREACH OF CONDITION NOTICES

ADDRESS	BREACH AUTHORISED DATE FOR	ACTION	EFFECTIVE COMPLIANCE	COMMENTS
1 Rodingland Great Canfield	Fencing	7.2.01		Compliance achieved
2 Royal Tandoori Stansted	Takeaway sales	6.3.01		Further enquiries to be made.
3 Parvez Tandoori 56 High Street Newport	(i) Hours of trading (ii) Takeaway sales	15.5.02	17.8.02	Notice served
4 West Road Stansted	Road not constructed	18.7.02	18.9.02	Notice served
5 The Oak Barn Elsenham	(i) Highway crossover (ii) Landscaping (iii) Restoration of paddock	18.7.02		Notice to be served
6 Oakwood Park Little Dunmow/ Felsted	Bus turning circle	21.7.02		Notice to be served