

Committee: Development Control Committee

Date: 15 March 2004

Agenda Item No: 6

Title: Enforcement of Planning Control:
Land opposite The Fox & Hounds Public House, High Street, Clavering

Author: Interests in land: Mr D L & Mrs P B Smith
Clive Theobald (01799) 510463 and
Hilary Lock (01799) 510486

Introduction

- 1 Members will recall that consideration of an enforcement report concerning the above matter was deferred at the meeting held on 15 December 2003 to enable officers to consider new correspondence from the applicant's solicitors. A copy of the report, the solicitor's letter and the Council's response are attached. The matter was re-reported on 2 February 2004 when Members resolved that the Committee visited the site prior to their meeting on 23 February 2004. The site visit did not take place, however, as the landowners' solicitor could not be present and has been re-scheduled to take place on 15 March 2004, prior to the next committee meeting.

Summary/Conclusion

- 2 It is the view of your officers that there are no circumstances under which the recommendation in the report should change as a result of the correspondence received. Members are therefore now requested to consider the report, which remains unchanged.
- 3 Since the meeting on 2 February 2004, three letters of representation have been received by the Council in support of the landowner. These are attached to the back of this report for Members' attention, together with those already received.

Committee: Development Control
Date: 15 March 2004
Agenda Item No: 7
Title: Tree Preservation Order No.9/03
West Road, Saffron Walden
Author: Mr B Smeeden (01799) 510466

Introduction

- 1 This report seeks Members confirmation of Uttlesford District Council Tree Preservation Order No.9/03 protecting trees on land adjacent to No.30 West Road, Saffron Walden.

Background

- 2 Following requests received from local residents for trees on the site to be considered for protection a Tree Preservation Order was served on a group of 9 no. Sycamore trees.

Objections and Representations

- 3 An objection has been made by agents for the site. The principle grounds of objection are that the trees are poor specimens of limited amenity value. In addition, the land on which the trees are growing is made up of builders rubble which is required to be cleared away to tidy the site. Following felling replacement tree planting would be of greater amenity value.

Assessment

- 4 The trees have been inspected by the Council's Landscape Officer. The 9 no. Sycamore trees stand in a belt along the western boundary of the former Blyth & Pawsey site. The trees are approximately 11 metres in height and are prominent in views from West Road. As individual trees they are not considered to be of significant amenity value. However, as a group they are considered to be worthy of protection under a 'group' Tree Preservation Order.

In respect of the condition of the ground around the trees it is considered that surface rubble could be taken off and topsoil spread to even falls.

RECOMMENDED that the Tree Preservation Order No. 9/03 be confirmed without amendment.

Committee: Development Control

Date: 15 March 2004

Agenda Item No: 8

Title: Enforcement of Planning Control – Land at Dukes Meadow,
Old Mead Road, Henham - ENF/158/03/B
Interest in land: Mr W A Duke, Mrs P J Duke and Mr C Duke

Contact: Mr I Pigney (01799) 510459 and
Mr M Ovenden (01799) 510476

Introduction

- 1 This report concerns the change of use of land for the siting of a residential mobile home. The report recommends that enforcement and, if necessary, legal action be taken to cause the cessation of the residential use and the removal of the mobile home from the land.

Notation

- 2 Adopted Plan: Outside Development Limits/Area of Special Landscape Value.
UDP: Outside Settlement Boundary.

Planning History

- 3 Outline application for three dwellings refused in 1983. Erection of two detached bungalows dismissed on appeal 1995.

Site Description

- 4 The site is located on the south side of Old Mead Road, Henham. It is bordered by residential properties on either side and the railway line to the rear. The site area comprises approximately 0.73 ha and is open in character.

Background

- 5 A mobile home was moved onto the land in August 2003 for use as a residence. Planning permission has not been sought for the change of use of the land. However, the occupier made representation by letter claiming that there had been a mobile home on the land before 1982 in which a Stable Hand lived. That mobile, which is derelict and uninhabitable, remains on the land in addition to the mobile home now occupied. The occupier advised that he intends to remove it for scrapping, but it remains on the land at present and he is awaiting a settlement on his existing property and currently has nowhere else to live.

- 6 Enforcement enquiries in 1997 concerning the property found the derelict mobile home, a scrapped motor van and other scrap material on the land. Information obtained at the time showed that these items had been on the land since before 1983, following the construction of a replacement dwelling on adjoining land that at one time was in the same ownership. It appears the mobile home had been used for residential purposes during the construction of the replacement dwelling, but the use ceased in the early 1980s and the mobile home became derelict.

Parish Council

- 7 To be reported (due 25 February 2004).

Planning Considerations and Conclusions

- 8 The site lies within open countryside outside any development limit / settlement boundary and consequently is in an area where development unrelated to agriculture, forestry and appropriate outdoor recreation is not normally permitted. No claim has been made that the development relates to agriculture, forestry or appropriate outdoor recreation. The provision and occupation of the mobile home is therefore contrary to Development Plan policies C5 (Structure Plan) and S2 (District Plan). There is no reasonable prospect of this development receiving planning permission.
- 9 An application and subsequent appeal for two houses were refused in 1994/5 and the Inspector commented that the site was not suitable for housing, was not an infill site and is in an essentially rural area of countryside where development is sparse and should be protected for its own sake. Relevant planning policy has not materially altered since that time.

RECOMMENDED that enforcement action and, if necessary, legal proceedings, be taken to secure the cessation of the use and the removal of the mobile home from the land.

Background papers: Enforcement files ENF/158/03/B, ENF/23/97/D and planning applications, appeal documentation for the land.

Committee: Development Control Committee

Date: 15 March 2004

Agenda Item No: 9

Title: Appeals

Author: J M Mitchell (01799) 510450

| APPEAL BY | LOCATION | APPLICATION NO | DESCRIPTION | APPEAL DECISION & DATE | DATE OF ORIGINAL DECISION | SUMMARY OF DECISION |
|-----------|---|-----------------|--|-------------------------|---------------------------|--|
| L Sansom | Cambridge Road Service Station Brewers End Takeley | UTT/1502/03/FUL | Appeal against refusal to grant planning permission for the demolition of existing works, garage and sales forecourt and the erection of 3 detached chalet dwellings | 6 Feb 2004 DISMISSED | 19 Aug 2003 | The Inspector concluded that while the development was satisfactory in appearance and effect on amenity it was at too low a density to meet the requirements of PPG3 |