

WELWYN HATFIELD COUNCIL  
PLANNING CONTROL COMMITTEE – 23 November 2006  
REPORT OF THE CHIEF PLANNING AND ENVIRONMENTAL HEALTH OFFICER

**Part I - Enforcement Item**

Land at Park Farm, Northaw Road west, northaw

(Northaw)

**1 Background**

- 1.1 Complaints have been received regarding the removal of a section of hedgerow and its replacement by a wall along the highway boundary with Park Farm at Northaw Road West, Northaw. An inspection of the wall reveals that it is residential in appearance and it has been constructed to provide the house at Park Farm with a new drive incorporating in and out accesses.
- 1.2 The owner was contacted at the commencement of the work. He was informed that planning permission was required and that work should cease until the development had the necessary authorisation. He responded by claiming that the work being carried out was the repair of an existing wall and disputing the need for permission. However he eventually agreed to submit the required application but his planning consultant wrote disputing the need for permission. Meanwhile work continued with the construction of the entrance to the drive on the east side of the house.
- 1.3 The wall on the east side of the original farm yard access forms part of the boundary to agricultural land and previously consisted of a mature hedgerow with a timber panel fence behind it. Furthermore the verge in front of this section of wall has been paved. The hedgerow along the front boundary of the house has been removed also and is being replaced by a new wall.
- 1.4 The drive being constructed to the west of the house is new and utilises a former field access from Northaw Road West. This has been widened and a walled entrance for the drive has been constructed. Planning permission is required for the change of use of land to residential and for the works to provide the new walls and entrances.
- 1.5 The Town and Country Planning (General Permitted Development) Order 1995, Schedule 2 Part 2 Minor Operations, Class A grants planning permission for the erection, construction, maintenance or alteration of a gate, fence, wall or other means of enclosure up to 2 metres high or 1 metre high adjacent to a highway. In this case the wall abuts the verge of the highway and is only 500mm from the carriageway.

**2 Planning Considerations**

- 2.1 The land is within the Green Belt as designated by the Hertfordshire County Structure Plan 1991-2011 and the Welwyn Hatfield Local Plan 2005. The

policies contained within those plans seek to protect the openness, character and appearance of the area. Policy RA1 of the Local Plan restricts development in the Green Belt to that which is essential for agriculture, outdoor leisure or the re-use of buildings, or is in accordance with other specific policies in the plan unless there are very special circumstances.

- 2.2 Policy RA2 restricts developments in Northaw to that which accommodates the specific needs of the settlement and the surrounding rural area. Policy RA3 allows development if it does not have an adverse visual impact (in terms of its prominence, size, bulk and design) on the character, appearance and pattern of the surrounding countryside.
- 2.3 Park Farm is designated an area of archaeological significance with the potential for medieval or post medieval archaeological remains.
- 2.4 Park Farm is prominent in the landscape because the land falls away on three sides, it is on a busy classified road, and the development is an incongruous urban feature in this rural location, which has a visually intrusive impact on the openness, character and appearance of the Green Belt. The development does not address any settlement needs.

### **3 Human Rights Considerations**

- 3.1 The following articles of the Human Rights Act 1998 are considered to be relevant in this case:
  - Part 1 Article 8 the right to respect for private and family life, home and personal correspondence.
  - Part 2 Article 1 of the First Protocol the right to protection of property, including peaceful enjoyment of possessions.
- 3.2 Both of these rights could be outweighed when considering the general interest and the rights and freedoms of others. Your Officers are of the opinion that this development would have a detrimental impact on the openness, character and appearance of the Green belt, and on the amenity of the area. In these circumstances the need to remove the unacceptable development in the interests of the community are greater than the needs of the individual.

### **4 Conclusion**

- 4.1 The development does not conform to Policies RA1, RA2 or RA3 of the Local Plan, and for the reasons given in paragraph 2.4 it is unacceptable and action should be taken to remove it.

### **5 Recommendation**

- 5.1 That the Chief Planning and Environmental Health Officer be authorised to serve an enforcement notice under Section 172 of the Town and Country Planning Act 1990 to require the removal of the unauthorised walls and hardsurfacing from the land and to require the reinstatement of the hedgerows.

### **6 Remedy Required**

- 6.1 (i) Demolish the walls and dig up the foundations along the front boundaries of the land and around the entrances from Northaw Road West.
- (ii) Remove from the land all materials resulting from the demolition.
- (iii) Plant a replacement hedge along the highway boundary of the land in accordance with a landscaping scheme to be agreed in writing by the Local Planning Authority.
- (iv) Remove the hardsurfacing and base layers of materials from the highway verge and reinstate the verge by seeding with grass.

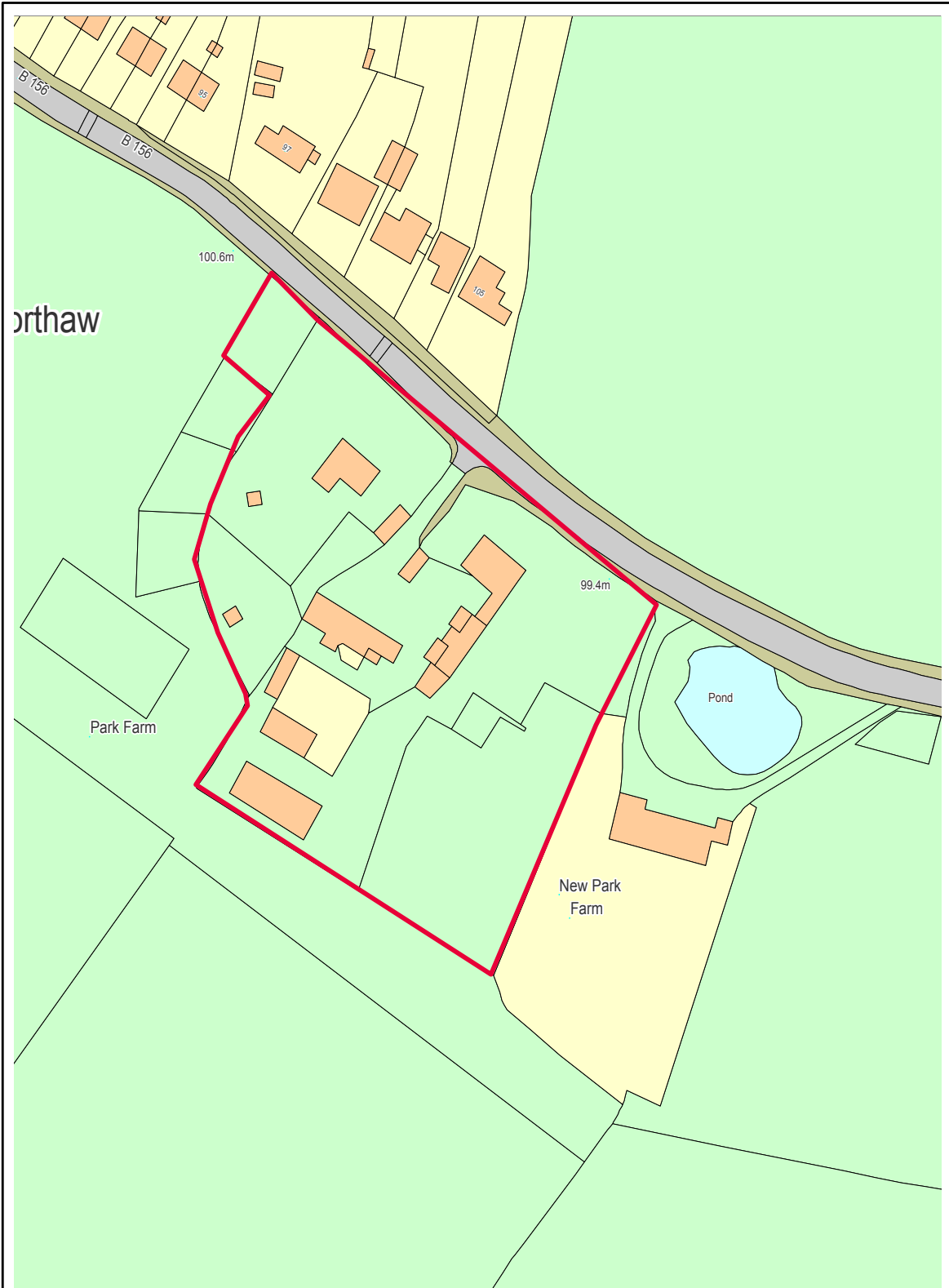
## **7 Time Limit**


- 7.1 (i) One month
- (ii) One month
- (iii) Landscaping scheme to be submitted within one month and the agreed scheme to be planted in the first planting season following agreement of the scheme.
- (iv) One month for removal of materials, and seeding to take place in the first seeding season.

Chris Conway, Chief Planning and Environmental Health Officer

Date: 09 November 2006

Background papers to be listed (if applicable)



 Council Offices, The Campus, Welwyn Garden City, Herts. AL8 6AE	Title: <b>Park Farm, Northhaw Road West, Northhaw</b>		Scale:
	Project:		Date: 10th November 2006
		Drawing Number: <b>Enforcement</b>	Drawn: Rita Gore
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