

## RECORD OF OFFICER DECISION

<b>Decision title:</b>	Enforcement Notice
<b>Date of decision:</b>	
<b>Decision maker:</b>	Mark Tansley Development Manager
<b>Authority for delegated decision:</b>	Scheme of Delegation
<b>Ward:</b>	Bishops Frome & Cradley.
<b>Consultation:</b>	N/A
<b>Decision made:</b>	To issue an Enforcement Notice
<b>decision</b>	<p><u>Purpose of the Report:</u> To seek authority to issue an Enforcement Notice in respect of the alleged breaches detailed herein.</p> <p><u>The Site:</u> The Land is agricultural land with planning permission for leisure uses and situated approximately 2 miles northwest of Westfield, Cradley and is shown edged red on the attached plan.</p> <p><u>Relevant Planning History:</u> Planning Permission (Ref: DCNE2005/0962/F) was granted on 4<sup>th</sup> May 2005 for 'the continued use for landscaped mountain board courses, reception, shop, toilets hardstanding, carpark and campsite, trampoline and half-pipe'. A plan showing the development permitted by this decision is attached as Plan 'A'.</p> <p><u>The Alleged Breach:</u> Following complaints by neighbouring residents of noise from parties and loud music from the site it was observed that, without planning permission, structures had been erected on the site other than those permitted by the existing planning permission, an earth mound had been created on the site and part of the land was used for the storage of freight containers.</p> <p><u>Expediency of Taking Enforcement Action:</u> The site is located in a rural area comprising farmland and woodland.</p> <p>Buildings and a large earth mound which are not shown on the approved plan have been erected on the site without planning permission and these are therefore unlawful. The storage of freight containers without planning permission is also unlawful. The contravener has been given ample opportunity to attempt to rectify the breaches and the Council has invited planning applications which might, with appropriate conditions, be acceptable. However no valid applications have been received and the breaches have not been rectified.</p>

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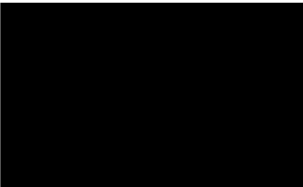
Further information on the subject of this report is available from Mr Steve Davies on 01432 260119

	<p>The following Policies in the Herefordshire Local Plan – Core Strategy are relevant:</p> <p>Policy RA6 seeks to promote the diversification of the rural economy and sustainable tourism proposals of an appropriate scale which is commensurate with its location and setting and do not cause unacceptable adverse impacts on the amenity of nearby residents.</p> <p>Policy SS6 seeks to conserve and enhance those environmental assets that contribute towards the county’s distinctiveness, including landscape.</p> <p>Policy LD1 seeks to protect the natural, historic and scenic beauty of important landscapes. It also requires that development proposals should demonstrate that they have been positively influenced by the character of the landscape and incorporate new landscape schemes to ensure development integrates appropriately into its surroundings.</p> <p>Policy SD1 requires that development proposals safeguard the residential amenity for existing residents.</p> <p>The site lies within an attractive area of farmland and woodland and the ad hoc development of the site with buildings and engineering works causes unacceptable harm to the character and appearance of the surrounding area. The unlawful development is therefore contrary to Policies SS6 and LD1.</p> <p>The development is not necessarily contrary to Policy RA6 but uncontrolled development accompanied by the noise impacts which have already arisen from the site can lead to unacceptable impacts on the amenity of local residents. The Council therefore considers that, whilst further development of the site for tourism might be acceptable in some form, uncontrolled development without planning permission and appropriate conditions should not be permitted.</p> <p>The use of the buildings for events such as weddings and parties has had an adverse impact on the amenity of nearby residents by the creation of excessive noise and the earth mound creates an adverse visual impact on the amenity of the neighbouring residential property called Hook Lane Cottage. The unauthorised development is therefore contrary to Policy SD1</p> <p>The Council therefore considers that, in order to protect the landscape/visual amenity of the area and the residential amenity of neighbouring properties, the buildings, freight containers and earth mound should be removed.</p> <p><b>RECOMMENDATION</b></p> <p><b>That:</b> The Council be authorised to issue an Enforcement Notice under the provision of Section 172 of the Town &amp; Country Planning Act 1990 (as amended) to secure the rectification of the breaches of the Planning Permission No. DCNE2005/0962/F and other breaches of planning control identified herein, namely to require the removal of the buildings, freight containers and earth mound, the location of which is shown approximately on the attached Plan ‘B’, at Out to Grass, Land at Woodend Farm, Cradley, Herefordshire WR13 5JW,</p>
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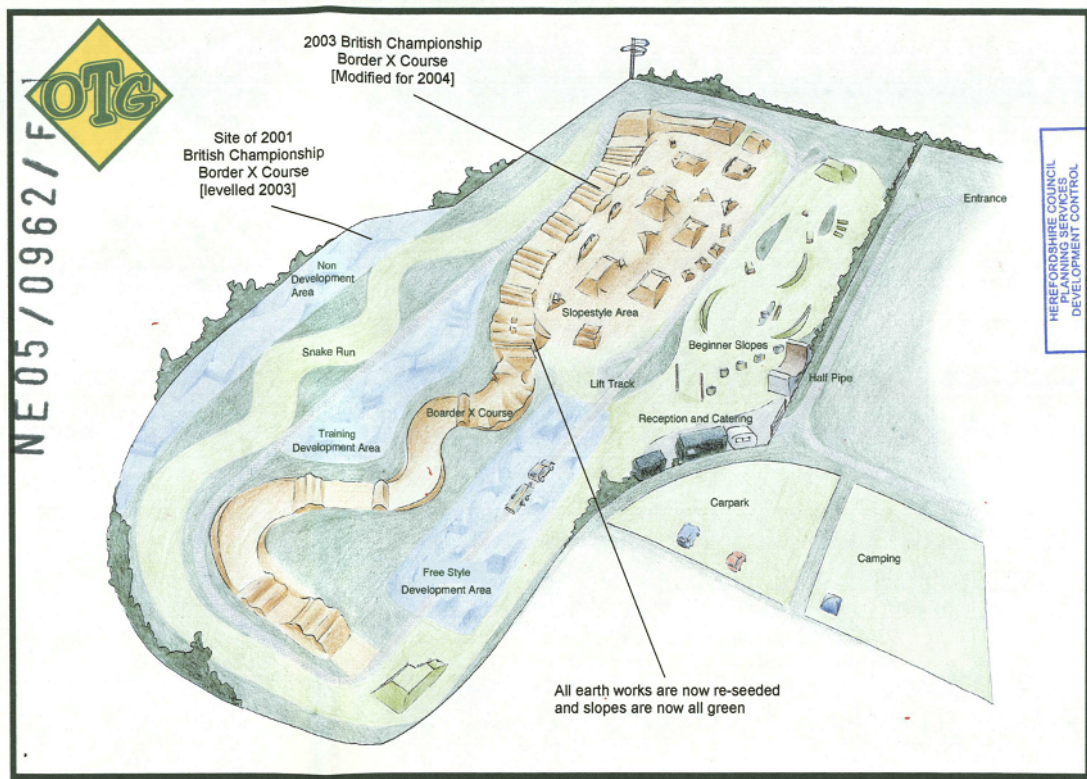
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<b>Highlight any associated risks/finance/legal/equality considerations:</b>	None identified.
<b>Details of any alternative options considered and rejected:</b>	To not serve an enforcement notice. This is rejected for the reasons stated in the 'Reasons for Decision' section above.
<b>Details of any declarations of interest made:</b>	None

Signed. 

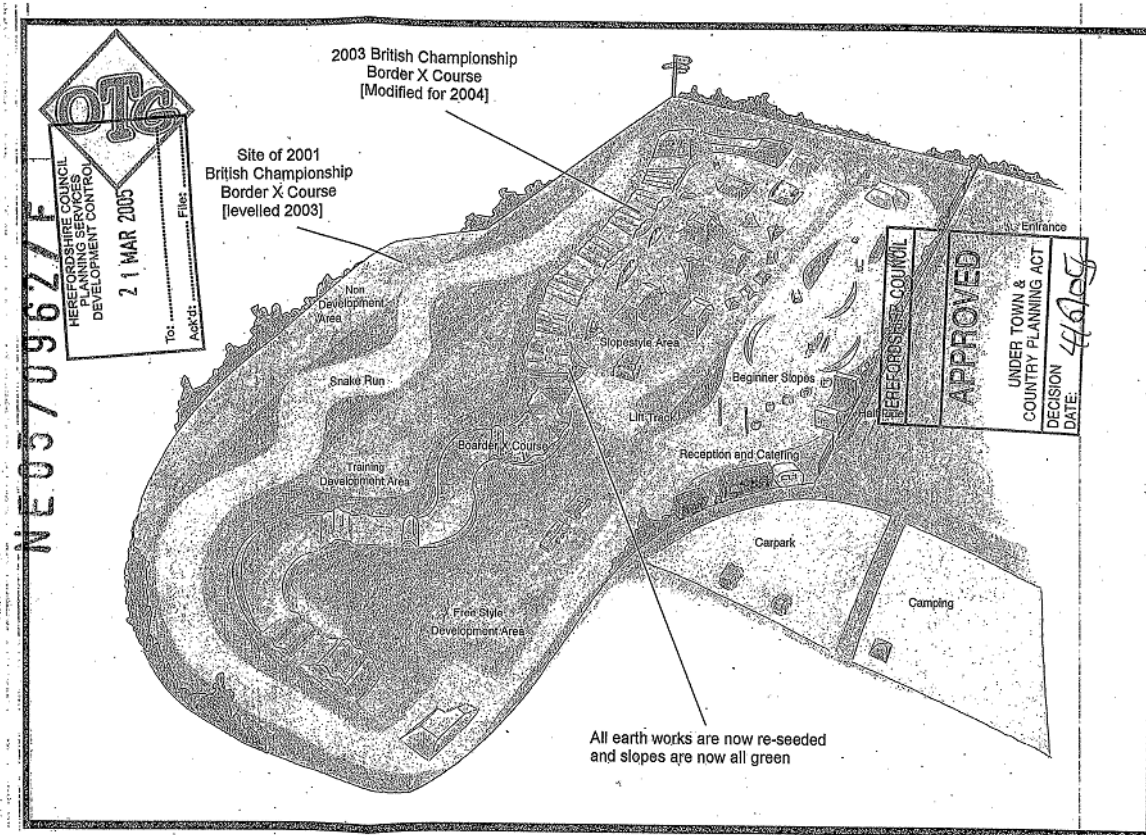
Date: 10/1/19

Plan 'A'



Further information on the subject of this report is available from Mr Steve Davies on 01432 260119

Plan 'A' (stamped approved)



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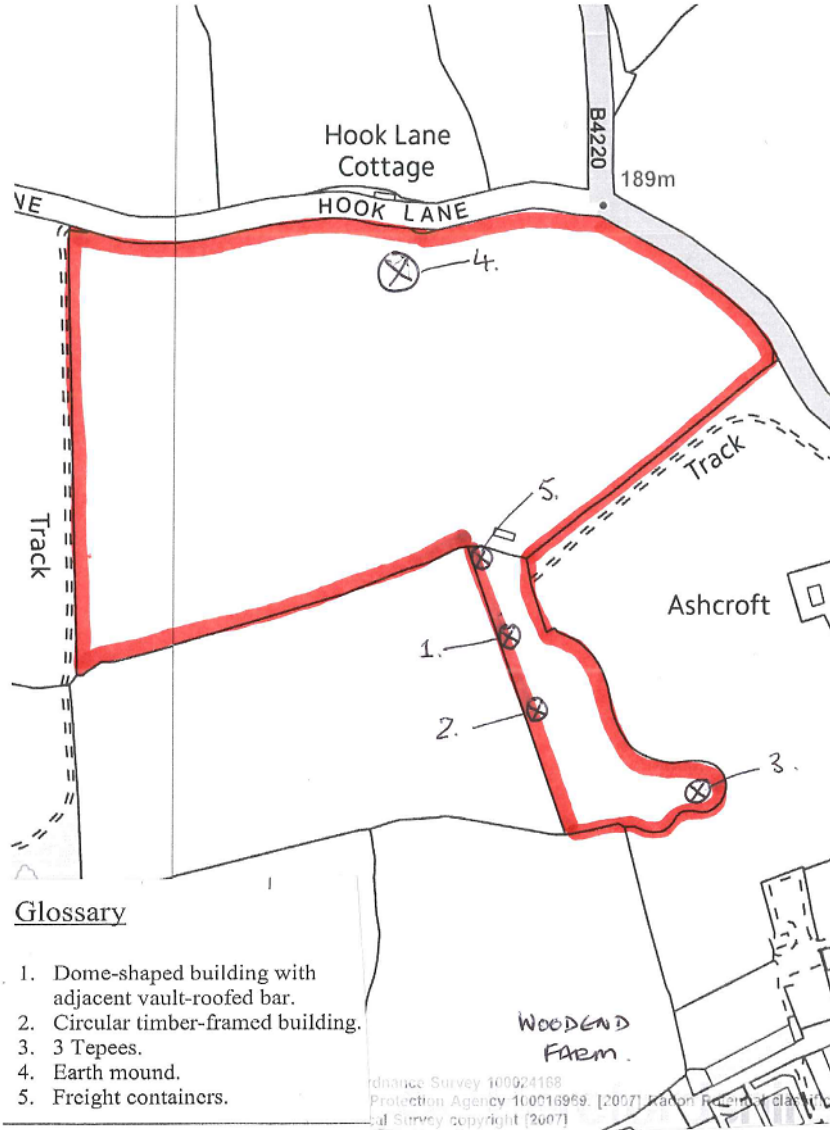
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PLAN 'B'

Created by APJUser on Tuesday, 9 January 2019



Herefordshire Council  
Plough Lane  
Hereford  
HR4 0LE



Glossary

1. Dome-shaped building with adjacent vault-roofed bar.
2. Circular timber-framed building.
3. 3 Tepees.
4. Earth mound.
5. Freight containers.

Location: WOODEND FARM.

Description:

Map Scale: ~~1:5000~~ 1:3500

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I hereby confirm that this is the  
Plan 'B' referred to in an Enforcement  
Notice relating to Woodend Farm,  
Bromyard Road, Cradley, Worcestershire.  
WR

Sign

Further information on the subject of this report is available from Mr Steve Davies on 01432 260119

PNO

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PNO