

Enforcement of Planning Control
Enforcement Item for Consideration: Heathacre Barns, Chedgrave
Unauthorised Change of Use to Residential
Report by Report by Planning Officer (Compliance and Implementation)

Summary:	This report concerns the conversion of a former agricultural building to a residential use without planning permission, bordering Chedgrave Common.
Recommendation:	That authorisation is granted for the serving of an Enforcement Notice seeking removal of the dwelling and reinstatement of the agricultural use of the building and for prosecution (in consultation with the solicitor) in the event that the enforcement notice is not complied with.

Location: Former piggery buildings, Chedgrave

Breach of Planning Control: Unauthorised conversion to residential use

1 Background

- 1.1 In November 2012 the LPA was advised that South Norfolk Council were investigating reports of persons living in a former piggery building in Chedgrave. Subsequently a joint investigation has been undertaken.

2 Description of Site and Development

- 2.1 This site was a former agricultural building built originally as a piggery. It is located along the eastern boundary of Chedgrave Common, immediately to the east of a residential property Heathacre that overlooks the Common down to the River Chet, which is approximately 300 metres away. The building is of concrete block construction with a shallow pitched roof and no windows.
- 2.2 Until around 2008 the owners of the site owned and occupied the adjacent residential property Heathacre. It is understood that Heathacre was sold in 2008 and the owners then bought the agricultural buildings.
- 2.3 Internal inspection of the premises shows that two bathrooms, a utility room and one kitchen have been installed, in addition to two bedrooms one of which is included in the main living area. The conversion itself is not of high quality and shows evidence of a work in progress with bare concrete block walls in places, but is well lit and heated. From the exterior, there are no clues as to its

use, although there is a letterbox on the entrance gate and a satellite dish affixed to the wall facing the river. Separate to the main living area there are a number of cages down one side of the property used for the breeding of Chinchillas, which the owner advertises for sale on the internet.

- 2.4 There is no history of residential use of the property; prior to being converted, it had an agricultural use.

3 The Planning Breach

- 3.1 The conversion of a former agricultural building into residential use is development for which planning permission is required. There is a general policy presumption against new residential development in the countryside and, where conversion of a building is proposed adopted Development Management Policy DP21 sets a sequential approach, with the preferred use being retention of an employment use or recreation, tourism or community uses where it is demonstrated that an employment use is unviable. The conversion to a main residential use is the least preferred option. In addition, Policy DP21 sets a list of criteria which need to be met. The conversion which has taken place does not meet the policy tests of DP21 and planning permission would be unlikely to be granted.
- 3.2 The previous use of this site was for agriculture, however chinchillas are not an agricultural animal therefore use of the site for the breeding and sale of chinchillas is development which requires planning permission. No application has been submitted. Any such application would need to be the subject of full and careful consultation with environmental health and the Environment Agency.
- 3.3 In addition to the above, it should be noted that it is considered that there has also been a deliberate attempt at concealment of this development. The matter first came to the attention of the LPA after the owner's refusal to allow access to a Housing Standards Officer from South Norfolk Council who was investigating following reports of a rat infestation.
- 3.4 In January 2013 Planning Contravention Notices were served on the landowners in order to gain information on the circumstances of the site. This information is due at the end of February.

4 Action Proposed

- 4.1 It is proposed to serve an Enforcement Notice requiring the removal of the conversion of the building and the restoration of the site to its previous use. It is proposed that a compliance period of six months is given.
- 4.2 Authority is also sought to prosecute the owner in the event that the Enforcement Notice is not complied with.
- 4.3 Should the information arising out of the Planning Contravention Notices demonstrate that the conversion and use was substantially completed by

March 2009 the question of whether the use may be 'out of time' for enforcement action will need to be considered, in consultation with the solicitor. As set out at 3.3 above, any such consideration would include the question of concealment.

5 Financial Implications

- 5.1 There may be legal costs associated with this course of action.

6 Recommendation

- 6.1 That authority is granted to serve an Enforcement Notice, in consultation with the Solicitor. Authority is also sought for prosecution action if necessary to secure compliance.

Background Papers: Broads Authority DC Enforcement File BA/2012/0056/UNAUP2

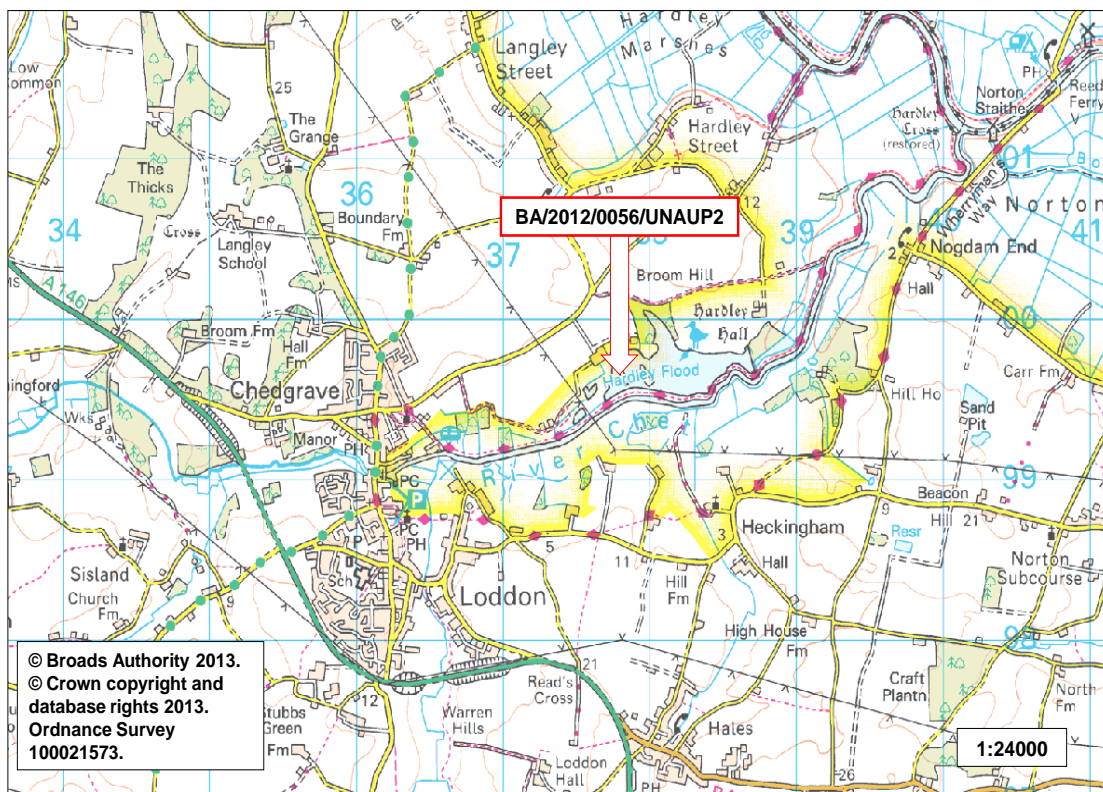
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Date of Report: 14 February 2013

Appendix 1: Location Maps

APPENDIX 1

BA/2012/0056/UNAUP2 – Heathacre Barns, The Common, Chedgrave

Converted a shed to use as living accommodation and undertaking a business selling Chinchillas from the same location.



BA/2012/0056/UNAUP2 – Heathacre Barns, The Common, Chedgrave

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