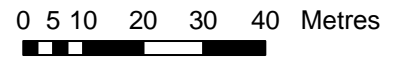




Owlets, Old Farm Lane, London Road East, Amersham. Buckinghamshire. HP7 9DH

Location Plan

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Enforcement Notice 1994/0687/EN

IMPORTANT THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the PLANNING AND COMPENSATION ACT 1991)

ENFORCEMENT NOTICE

ISSUED BY: CHILTERN DISTRICT COUNCIL

1. **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to them that there has been a breach of planning control under section 171A(1)(a) of the Act at the land described below. They consider that it is expedient to issue the notice having regard to the provisions of the development plan and to other material planning considerations.

2. **THE LAND AFFECTED**

Land at Westrow Mushroom Farm, London Road East, Arnersham, Bucks, shown edged red on the attached plan.

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

Without planning permission, change of use of the Mushroom Farm building shown hatched red on the attached plan from agricultural use to use for business, for general industrial, warehouse and storage use falling with use class B1, 82 and 88 of The Town and Country Planning (Use Classes) Order 1987.

4. **REASONS FOR ISSUING THIS NOTICE**

1. It appears to the Council that the above breach of planning control has occurred within the last ten years.

There is a general presumption against inappropriate business development in the Green Belt in accordance with paragraph 35 of the Approved Buckinghamshire County Structure Plan (Incorporating Alterations Nos 1, 2 and 3). The Council is prepared to consider the re-use of redundant agricultural buildings for small scale business activities on their merits, in accordance with the criteria set out in Policy GB24 of the Adopted Local Plan for Chiltern District. However, it is considered that the change of use of the mushroom farm to business, general industrial, storage and warehouse use does not comply with the criteria set out in Policy GB24 in a number of respects. The use of this large, substantial modern building, that is visually unattractive and over-dominant on the site, on a holding where no agricultural use is retained, will result in vehicles including commercial vehicles parking around the mushroom farm with the resulting associated activity generated by the parking of vehicles and the land use causing significant harm to the character and appearance of this part of the Green Belt. Moreover, the change of use conflicts with Policy GB2 and more specifically with criteria (ii), (iv) and (vi) of Policy GB24 of the Adopted Local Plan for Chiltern District and Paragraphs 5a and 35 of the Approved Buckinghamshire County Structure Plan (Incorporating Alterations Nos 1, 2 and 3).

2. The change of use of the mushroom farm to business, general industrial storage and warehouse use is unacceptable in principle. It is contrary to the provisions of Paragraphs 18 and 19 of the Approved Buckinghamshire County structure Plan (Incorporating Alterations Nos 1, 2 and 3) and Policy E1 of the Adopted Local Plan for Chiltern District which make no provision for any new employment generating development anywhere in south Buckinghamshire except in those sites where such development is authorised, established or lawful. The Council can therefore see no justification for the development which is contrary to these employment policies which seek to restrict employment generating development with its associated pressures for new housing, related services and traffic generation as part of the central strategy of development restraint in this part of the County.

3. It is considered that both the activities on site themselves by virtue of the change of use, and the traffic movements involved in gaining access to the site result in noise and disturbance to the detriment of nearby residential properties, four of which are sited immediately adjacent to the narrow access to the former mushroom farm. The scheme therefore conflicts with Policy GC3 of the Adopted Local Plan for Chiltern District.

4. Proposal TRS of the Adopted Local Plan for Chiltern District requires the provision of 24 car parking spaces and 1 lorry space to serve the use on site. Plans submitted with Planning application 92/1134/CH show the provision of 21 car parking spaces, which results in a shortfall of 3 car parking spaces and 1 lorry space on site. This shortfall is exacerbated by the fact that 5 of the proposed parking spaces shown on the submitted plans are located immediately adjacent to the only external doors that serve 6 of the units and as such are in practice unlikely to be utilised as access to the units will be prevented by persons parking in these spaces. The change of use therefore results in a shortfall in car parking provision on the site, contrary to Policy TRS of the Adopted Local Plan for Chiltern District, which is likely to lead to the random parking of vehicles on and in the vicinity of the application site resulting in danger and inconvenience to users of the access that serves the site.

5. Furthermore, the proposal, if permitted would create a precedent for other similar proposals, the cumulative effect of which would be to bring about an undesirable change in the appearance of the locality to the detriment of its character. This would be particularly objectionable in view of the location of this site within the Metropolitan Green Belt.

5. WHAT YOU ARE REQUIRED TO DO

(i) cease the use of the site for business, general industrial, warehouse and storage purposes.

(ii) remove from the site any equipment, machinery article or other thing brought on to the site in connection with any business, general industrial, warehouse and storage purposes the subject of this enforcement notice.

Time for compliance: Nine months.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 5th October 1994 unless an appeal is made against it beforehand.



Signed:
Chief Executive & Secretary

Dated: 5th August 1994

Chiltern District Council
Council Offices
King George V Road
Amersham
Bucks HP6 5AW

ANNEA

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before 5th October 1994. The enclosed booklet "Enforcement Appeals - A Guide to Procedure" sets out your rights. Read it carefully. You may use the enclosed appeal forms. One is for you to send to the Secretary of State if you decide to appeal. The other is for you to keep as a duplicate for your own records. You should also send the Secretary of State the spare copy of this enforcement notice which is enclosed

WHAT HAPPENS IF YOU DO NOT APPEAL

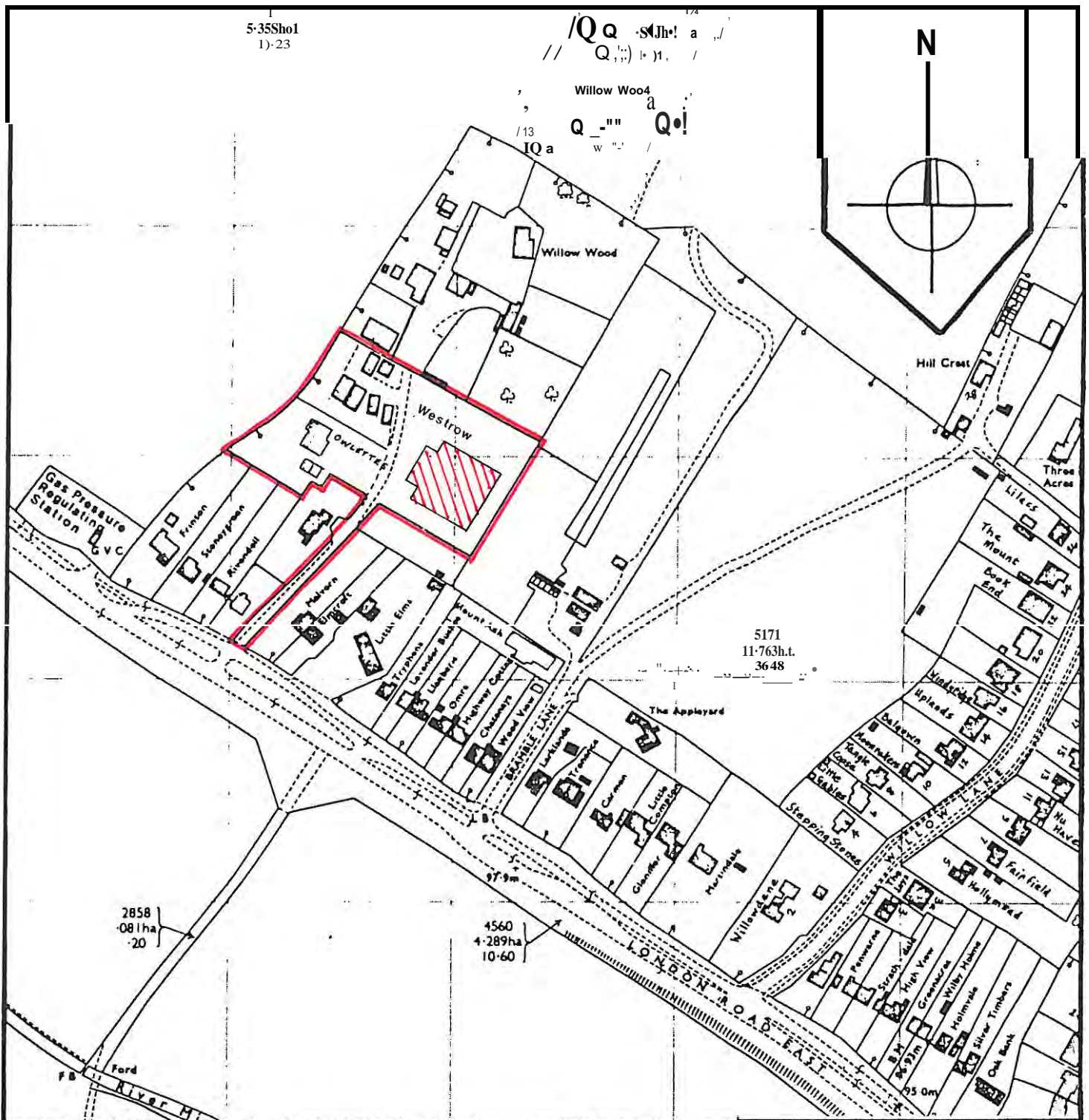
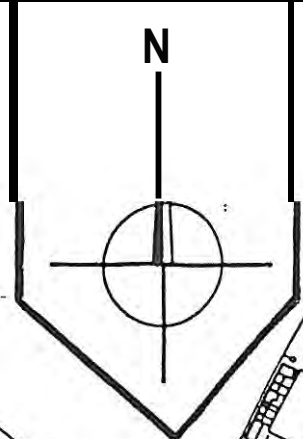
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Enforcement

94/0687/EN

Land at
Westrow Mushroom Farm
London Road East
Amersham S18 94

Gen. Ref. 2/16/SN 2145

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Compiled by	L.D.	Chiltern District Council
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Date	8-5-94	Drg.No.
Scale	1/2500	AM/294

Enforcement Notice 1994/0688/EN

IMPORTANT THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the PLANNING AND COMPENSATION ACT 1991)

ENFORCEMENT NOTICE

ISSUED BY: CHILTERN DISTRICT COUNCIL

1. **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to them that there has been a breach of planning control under section 171A(1)(b) of the Act at the land described below. They consider that it is expedient to issue the notice having regard to the provisions of the development plan and to other material planning considerations.

2. **THE LAND AFFECTED**

Land at Westrow Mushroom Farm, London Road East, Amersham, Bucks, shown edged red on the attached plan.

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

On 8th October 1991 The Department of the Environment on appeal, granted outline planning permission for the demolition of existing mushroom farm buildings and the erection of two detached houses and garages and two detached bungalows and garages at Westrow Mushroom Farm at London Road East, Amersham, Buckinghamshire, in accordance with the terms of application number 91/0035/CH dated 7th January 1991 and the plans submitted therewith, subject to conditions:-

Condition 5 is as follows:-

None of the dwellings hereby permitted shall be occupied until the existing mushroom farm building has been demolished and all resulting debris removed from the site.

It appears to the Council that Condition 5 of Planning Application 91/0035/Ch dated 7th January 1991 has not been complied with, in that one of the detached houses has been erected and is occupied, without steps being taken for the demolition of the existing mushroom farm building.

4. **REASONS FOR ISSUING THIS NOTICE**

(i)) It appears to the Council that the above breach of planning control has occurred within the last ten years.

(ii)) On 9th January 1991 a planning application was received by the Local Planning Authority for the demolition of existing mushroom farm buildings and the erection of four replacement dwellings and garages on land at Westrow Mushroom Farm, London Road East, Amersham, the application was given the reference number 91/0035/CH. The application was refused and the applicant appealed against this decision. The Inspector allowed the appeal and granted conditional permission for the development on 8th October 1991. In paragraph 8 of his decision notice, the inspector stated that:

"I consider that this case, which does not involve development normally considered to be appropriate in the Green Belt, turns on whether there are exceptional circumstances to outweigh the presumption against inappropriate development in the green Belt".

In paragraph 11 he states:

"It (the development) would utilise an unattractive area of land used for growing mushrooms in unattractive sheds for four dwellings".

He further states:

"Dwellings in large plots with landscaped gardens would present a far less dominant and more attractive appearance on this site than the present mushroom farm".

In paragraph 12 of the decision notice the Inspector states:

"It is my opinion that in this particular location and setting this proposal would not be totally out of character with the surrounding residential and other development and to my mind it would be an improvement on what exists at present."

It is therefore clear that the removal of the existing mushroom farm buildings was central to the Inspector's view that there were exceptional circumstances to outweigh the normal presumption against inappropriate development in the Green Belt. The corollary of this is that the proposal for four new dwellings would not have been acceptable unless it had included the benefit the Inspector perceived would materialise from the removal of the mushroom farm building. For these reasons the permission is conditional upon the demolition of the existing mushroom farm building prior to the occupation of any of the dwellings. Therefore the fact that the new dwelling on site is already occupied whilst the mushroom building has not been demolished is contrary to the requirements of condition No.5 and undermines the entire reasoning behind the appeal decision. This results in an overdevelopment of the site which highlights the fact that the new dwelling is an inappropriate form of development in the Green Belt and compounds the visually unattractive impact of the mushroom farm building.

5. WHAT YOU ARE REQUIRED TO DO

- (i) demolish the mushroom farm building shown hatched red on the attached plan.
- (ii) remove all resulting debris from the site.

Time for compliance: Nine months

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 5th October 1994 unless an appeal is made against it beforehand.



Signed:
Chief Executive & Secretary

Chiltern District Council
Council Offices
King George V Road
Amersham
Bucks HP6 5AW

Dated: 5th August 1994

ANNEX

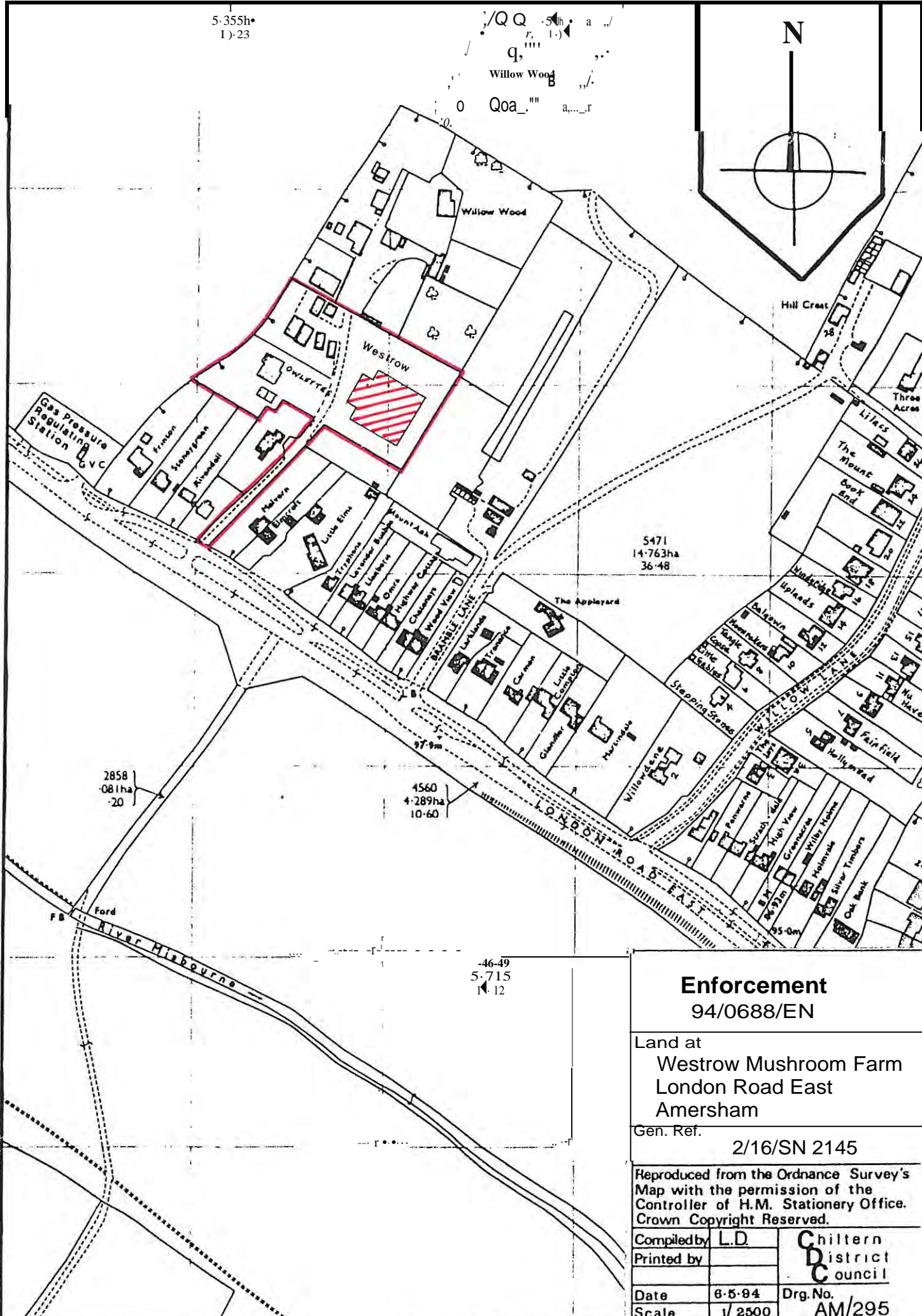
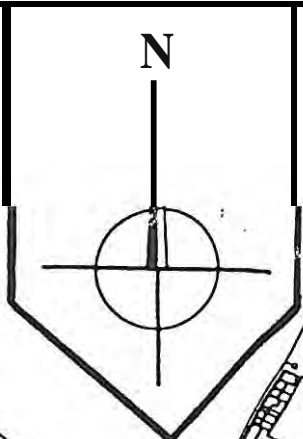
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Enforcement
94/0688/EN

Land at
Westrow Mushroom Farm
London Road East
Amersham

Gen. Ref. 2/16/SN 2145

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