

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Enforcement Sub-Committee

9 March 2010

AUTHOR/S: Executive Director (Operational Services) / Corporate Manager
(Planning and Sustainable Communities)

PLANNING (LISTED BUILDING AND CONSERVATION AREAS) ACT 1990 UNAUTHORISED WALL AT MILL FARMHOUSE, 87 MIDDLEWATCH, SWAVESEY

Purpose

1. This item is to inform Members about an unauthorised wall at Mill Farmhouse, 87 Middlewatch, Swavesey and to seek authority to serve a Planning Enforcement Notice for the removal of the wall.

Background

2. In July 2009, the Conservation Assistant saw that a new brick wall had been erected within the curtilage of Mill Farmhouse, a Grade II listed building, without the benefit of Planning Permission. A post and rail fence and gate had been approved as part of a scheme for a new car lodge (S/0362/09/F & S/0363/09/LB) but this was not implemented and the applicant built a wall instead. The wall is not attached to the listed building and therefore Listed Building Consent was not required.
3. The wall is located between the car lodge and the listed farmhouse and runs along the frontage of Middlewatch. At this point, the road is passing from the edge of the village centre towards the open countryside. An open fence is in tune with the semi-rural nature of the immediate area whilst a wall gives a more urban and built up character.
4. The wall is considered to harm the setting of the listed building at Mill Farmhouse, 87 Middlewatch, Swavesey by virtue of its inappropriate materials and detailing. The new wall has been constructed from narrow reclaimed 18th century bricks that vary in colour from buff to pink and red. Some of the bricks are darker in colour, probably due to soot, while others have limewash or paint on them resulting in a speckled appearance. The bricks have been laid in a traditional bond but the use of reclaimed bricks that have lost their sharp edges has resulted in wide uneven mortar joints, whereas traditionally built walls had narrow joints. The mortar has some lime in it but is a different colour to the recent repairs on the house and probably contains some cement. In addition the mix has very little sharp sand and therefore lacks texture and the joint has a smooth finish that is flush with the face of the bricks and not set back as with a traditional detail. The overall effect is that although the wall has been constructed using reclaimed bricks from the site the use of painted and sooted bricks and inappropriate mortar mix and joint detailing has resulted in an untraditional appearance that detracts from the setting of the grade II listed building.
5. On 5 August 2009, the Conservation Manager notified the Enforcement Service that a breach had occurred and that an Enforcement Notice should be served for the removal of the wall.

6. On 10 August 2009, the Assistant Enforcement Officer wrote to the owners at Mill Farmhouse, 87 Middlewatch, Swavesey informing them that the Council was considering taking action to ensure the removal of the wall. This letter was returned as the address was inaccessible and another letter was sent on 17 September to the owners at their current address. A retrospective application for Planning Permission (S/1450/09/F) was received on 2 October to regularise the unauthorised wall. The application also included new gates to the access. The application was refused on 2 December 2009 as *“the wall and gates would adversely affect the semi-rural setting of the Grade II listed farmhouse by virtue of their materials and design which are urban in character and appearance to the location and type of building.”* An instruction was sent to Legal Services on 22 December 2009 seeking an Enforcement Notice.
7. There is a history of carrying out unauthorised works on the site and the owners are fully aware of the need to gain Planning Permission and Listed Building Consent prior to carrying out works. On this occasion they chose again not to follow the system and erect a wall without approval.

Relevant Policies or Legislation

8. The relevant policy is CH/4 of the South Cambridgeshire Local Development Development Control Policies DPD 2007 (DPD) - Development within the Curtilage or Setting of a Listed Building.
9. The wall is within the curtilage of the grade II Mill Farmhouse but is not located in a Conservation area.
10. There is an existing approval for a post and rail fence and therefore the demolition of the wall will not affect the security of the site. A period of one month is suggested for the demolition of the wall.
11. The person responsible for taking remedial action is the owner or occupier of land in question and is obliged to carry out the works specified in the enforcement notice. The timescale within the Enforcement Notice takes into consideration the time that will be necessary to construct a replacement post and rail fence as approved under S/0362/09/F & S/0363/09/LB.

Considerations

12. Although the owner of the property was refused retrospective Planning Permission on 22 December under reference S/1450/09/F, the wall has not been removed and an Enforcement Notice is sought for its demolition.
13. The owner has the right to appeal the refusal of the retrospective application within six months of the date of the refusal but an appeal has not been lodged.
14. The local member, Councillor Sue Ellington, is of the view that “the wall is not only attractive but also provides security and privacy to the site. It is built from bricks found on the site and matching to surrounding building. The other reason for refusal of the original application for the wall was that the farmyard would have had open view over the countryside which the wall would preclude. The fact is that a stable has been built behind the old farmyard with a bungalow which totally precludes any view over the countryside does not appear to have been taken into account. The Local Member has reported that that she has “received many comments from local residents and Swavesey Parish Council that they would prefer the wall to remain and

do not wish to see it demolished. Indeed there is credulity that SCDC would force the owner to demolish it”.

Options

15. (a) Issue an Enforcement Notice for the demolition of the wall or
- (b) Take no further action, which would result in the wall remaining unauthorised

Implications

16. Financial	Preparation of legal documents, Council defending appeal
Legal	Drafting documents in accordance with the Town and Country Planning Act, consideration of expediency or not issuing a notice and being challenged by a third party
Staffing	SCDC frontline staff consisting of planning enforcement officers, legal and conservation staff, Appeal Officer and associated staff
Risk Management	-
Equal Opportunities	Equal opportunities applied in line with guidelines set down

Consultations

17. Local Member (Councillor Ellington)
Chairman of Planning Committee
Enforcement Officer
Executive Director (Operational Services)
Corporate Manager (Planning and Sustainable Communities)
Conservation Manager

Effect on Strategic Aims

18.	Commitment to being a listening council, providing first class services accessible to all.
	Report generated following concerns of the local member
	Commitment to ensuring that South Cambridgeshire continues to be a safe and healthy place for all.
	N/A
	Commitment to making South Cambridgeshire a place in which residents can feel proud to live.
	N/A
	Commitment to assisting provision for local jobs for all.
	N/A
	Commitment to providing a voice for rural life.
	Protecting existing communities, villages and the countryside.
	N/A

Recommendations

- 19 That an Enforcement Notice is approved for the demolition of the wall.

Reason:

The wall is considered to harm the setting of the Grade II listed building by virtue of its materials and detailing and, as such, is contrary to Policy CH/4 of the South Cambridgeshire Local Development Control Policies DPD 2007 (DPD)

Background Papers

The following background papers were used in the preparation of this report:
Local Development Framework Development Control Policies 2007

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