

Agenda Item No: 7

**Title: ENFORCEMENT OF PLANNING CONTROL
CAMMAS HALL FARM, WHITE RODING
(Interest in land: Mr J Lukies)**

Author: Mr I Pigney (01799) 510459

Summary

- 1 This report advises Members of the commercial storage use being carried out in former agricultural buildings. It recommends that officers be authorised to prepare a legal agreement to ensure that the use is subject to the controls that would otherwise be achieved by planning conditions.

Background

- 2 Planning permission for the permanent use of existing premises for the processing of seeds was approved in 1998. It appears that the use began about 1987, trading as RJL Seeds Limited, processing both seeds grown on the land and providing separate storage facilities and processing for farm products owned and produced elsewhere. Existing agricultural buildings on the site were used for rental storage for this purpose. However, due to the economic recession effecting farming that reduced the demand for seed processing, the business was suspended leaving 3 modern agricultural barns, each with a floor area of approximately 445 square metres vacant. As a result they were let for storage purposes. The District Valuer reported the use to the Council when assessing the premises for Business Rates. No third party complaints have been received in respect of the uses being carried out on the site.
- 3 If evidence were to be produced showing that the building had been used since 1987 or the storage of seeds and produce grown elsewhere, then it is likely that an application for a certificate of lawfulness for storage use would be successful. However, the agent acting for the owner has informed the Council that his client is willing to enter into a Section 106 Unilateral Obligation limiting the uses of the buildings and restricting vehicle movements and operating hours.

Planning Considerations

- 4 The former agricultural buildings are soundly constructed and low-key storage uses would be acceptable and would comply with Policy C5

RECOMMENDED: Officers be authorised to negotiate a legal agreement to secure control of the commercial use of the land.

Background Papers: Enforcement Case File: ENF/232/01/00/D
Planning Application Files: UTT/0031/97/FUL & UTT/0132/98/FUL

Committee: Development Control & Licensing Committee
Date: 25 November 2002
Agenda Item No: 8
Title: Enforcement of Planning Control
Land Known As Dainswood, Cock Green, Felsted
Interests in Land: Mrs L M Berger, Mr R Berger
Author: Authors: C Theobald (01799) 510463 & R Aston (01799) 510464

Introduction

- 1 This report concerns the stationing on land of a caravan for storage purposes, the erection of a store/workshop and provision of an additional vehicular access. The report recommends that enforcement and, if necessary, legal action be taken to require the cessation of the store/workshop use and removal of the structure from the land and the closure of the additional vehicular access, but that such action be not recommended against the storage use of the caravan as this at present amounts to a deminimis activity.

Notation

- 2 ADP: Outside Development Limits, DLP: Outside Development Limits

Relevant History

- 3 Enforcement investigations carried out in 1999 concerning the continued use of the site as garden land by adjacent landowner following its severance from Ivy Cottage and the subsequent stationing of a touring caravan. Evidence supported landowner's claim that the land remained as garden land and that her enjoyment of it as such would not involve any material change of use. Furthermore, that the caravan could be considered as a chattel and that its siting would not require planning permission providing it was not used for residential occupation (ENF185/99/D). Preliminary enquiry made to the Council in 2000 by landowner to rebuild a shed/workshop on the land that had fallen into disrepair to be used for garden equipment and general storage. Advised that although the repair or maintenance of an existing building on the land for a use incidental to the enjoyment of that land would not require planning permission, the land did not form part of the residential curtilage of her dwelling and that planning permission would be required to replace any existing structure with a new building.

Site Description

- 4 This site is situated on the eastern edge of Cock Green on the south side of the Felsted to Leighs road. To the immediate north lies Brick House Farm (now residential) with open fields to the south and east. It is identified as Ordnance Survey Parcel number 7822 and comprises a narrow strip of garden land that once formed part of Ivy Cottage to the immediate west. The

site contains ponds connected by a stream and also contains several trees, some of which are subject to a Tree Preservation Order (TPO 2/85). Hedgerow exists along its frontage and along its rear boundary. Vehicular access into the site is gained by an existing shared field access at its western end and by an opening in the frontage hedge at its eastern end. A public footpath (No.75) runs past the site at its western end through to the field behind. The present landowner has cleared some of the land and improved drainage to the ponds. A sign has been placed on the gate at the site's western end saying "Dainswood" and garden seating has been placed on the land.

- 5 A caravan has been placed on the land also at its western end and is the same caravan the subject of the 1999 enforcement referral (see Relevant History). A corrugated structure with a ridged roof, measuring approximately 5 metres by 4 metres in area, has been erected on the frontage boundary adjacent to an eastern vehicular access point, allegedly new, and is visible from the road. The structure has been painted green and contains small window openings with double doors to its rear elevation. The shell of an old car lies on the ground adjacent to this building on the rear boundary. A motorised horsebox, which, until recently, had been stationed on the land, has recently been removed.

Enforcement Investigations

- 6 Enquires have been made with the landowner following the reporting of the caravan, ridged structure and the alleged new access. The landowner has stated that it has been necessary for her to show evidence of goods and chattels in order to lay claim to registration of the land. Land Registry enquiries have subsequently confirmed that the landowner acquired full Title Possessory on 2 May 2002. She has denied that the eastern access is new, simply that gravel has been laid to provide a hardened surface for vehicle parking. Following a request for further information, the landowner has since provided a detailed account letter with photographs showing the state of the land prior to her clearance and subsequent use and ownership of it. The following points are a synopsis of that letter and are considered relevant to this report:
- Due to my son's marital separation, the caravan is being used for weekend recreational purposes by my son and my grandson (Dain) who live apart from each other (son in Heybridge area)
 - No-one lives, nor has ever lived, nor will ever live, in the caravan
 - The caravan had previously been used to store gardening equipment and some of my grandson's toys and now contains belongings from my son's family home
 - Deeds for my house (situated opposite) prevents a caravan from being kept on the drive
 - My son and grandson eat, sleep and wash at my house
 - My son and grandson spend their weekends tending Dainswood, my son keeping the grass and road edges mowed, hedges trimmed, caring for numerous trees etc. and repairing/rebuilding his motorbikes in the workshop whilst my grandson plays
 - A workshop previously existed on the land. This was salvaged, reclad and restored. The structure has no concrete base or foundations

- Curtains are at the windows due to theft of other goods and chattels from the land
 - A Certificate of Lawfulness application for an Existing Use is in the process of being submitted
- 7 The landowner has supplied a copy of a sworn declaration made by the previous landowner, Roderick Ernest Laudrum, in which it is stated that this person had taken occupation of the land in or around 1950 and at that time had constructed thereon a workshop which he used for the storage, repair and renovation of motor cycles. This use ceased in or about 1989. The landowner has also referred to the separate advice previously given to her by Council officers in 1999 and 2000 concerning her proposals (see Relevant History). She makes the case that planning permission is not required for either the present use of the caravan or for the rebuilding and use of the store/workshop. In support of her claim, the landowner has furnished photographs showing land clearance, the metal frame of a previous structure that had existed on the land that had been exposed and of the interior of the rebuilt structure showing the workshop layout and her son's motorbikes.
- 8 Local witnesses have been interviewed concerning the landowner's assertions. None can recall a structure similar to that recently erected having previously existed on the land and that any old frame that may possibly have existed and re-used in the new structure had not been sited in the same position. Furthermore, they cannot recall an access previously existing where the present one has been formed towards the eastern end of the site, with one witness stating that a 1m high frontage embankment previously existed along the frontage at this point. All of the persons interviewed are considered to be reliable witnesses, including one who has resided in Cock Green continuously for fifty years.

Analysis

- 9 The Council has no evidence that the caravan stationed is being used for residential occupation. The stationing of a caravan on land is lawful if it is used for the same use as the primary use of the land itself. Thus, the use of the caravan for the storage of garden implements and toys associated with the garden use is lawful. However, the use for storage of domestic goods that are not associated with the garden use (i.e. by the landowner's son) is not. Notwithstanding this, it is considered by officers that this latter use at present amounts to a deminimis activity and is not, in any event, expedient to enforce.
- 10 Whilst the landowner's claims concerning the new store/workshop are noted, the landowner has not submitted any compelling evidence to show either that a structure of similar proportions to the one recently erected previously existed on the land or that the remains were on the same footprint. To this end, it should be noted that a Certificate of Lawfulness application has not been submitted. Whilst the declaration by Mr Laudrum makes reference to a workshop and the keeping, repair and renovation of motor vehicles to 1989, this has not been borne out by eyewitness account. It is therefore considered by officers that, on the balance of probability, the present structure amounts to new building works and that the former stated use had been abandoned. The land upon which the structure has been sited is considered to amount to a separate planning unit and additionally is not within the curtilage of a dwelling house as it is physically separated from the landowner's dwelling opposite by a highway. As such, the structure requires planning permission.

Consultations:

Essex County Council Transportation & Operational Services

- 11 Site located on outside of bend. Acceptable visibility on traffic approach side with acceptable vision on other side. No highway objections can therefore be sustained.

Representations:

Felsted Parish Council

- 12 Regular activity reported at Dainswood. Building work. Caravan being used for sleeping accommodation. Local residents concerned that this illegal use of the land will be allowed to continue. Landowner's statement concerning the new structure is strongly refuted and can be confirmed as inaccurate.

Six local complaints received:

- 13 Removal of trees and flowers. Building an eyesore. Opportunist development. Planning controls are being blatantly breached. Located on dangerous stretch of road just ahead of blind corner. Traffic hazard.

Planning Assessment

The main issues in this case are whether or not the erection and subsequent use of the workshop for domestic purposes at this location is acceptable having regard to ADP Policy S2 and DLP Policy S7 and whether or not the proposal would have a detrimental effect on highway safety in accordance with ADP Policy T1 and DLP Policy GEN1.

- 14 Adopted District Plan Policy S2 states, "*Permission will not normally be given for development in the countryside beyond Development Limits unless the proposals relate to agriculture, forestry or an appropriate outdoor recreational use*". The store/workshop is clearly not designed or is being used for agricultural or forestry purposes and its use cannot be classed as an appropriate outdoor recreational use. Accordingly the workshop does not accord with the provisions of ADP Policy S2 and there is no sufficient justification in this case to set aside the strong presumption against such inappropriate development.
- 15 Turning to the issue of the impact of the eastern access on highway safety, ADP Policy T1 seeks to prevent development that would create a traffic hazard or lead to a significant reduction in the environmental quality of the locality. Notwithstanding the comments of Essex County Council Transportation and Operational Services, it is considered that the use of the eastern access could give rise to a traffic hazard and result in an adverse impact on highway safety.

Conclusion

- 16 Given the location of the store/workshop and its non-conforming use and the location of the eastern access point, our officers consider that it is expedient

for enforcement action to be taken to remedy the harm that is being caused and in view of the potential for highway danger.

RECOMMENDED that enforcement and, if necessary, legal action be taken to require the cessation of the store/workshop use and removal of the structure from the land and the closure of the eastern vehicular access, but that such action be not recommended against the storage use of the caravan as this at present amounts to a de minimis activity.

Background Papers: Enforcement Files ENF/185/99/D & ENF/176/01/D

Committee: Development Control Committee Meeting
Date: 25 November 2002
Agenda Item No: 9
Title: Uttlesford District Council Tree Preservation Order No. 7/02 Norman House, Alsa Street, Stansted
Author: Ben Smeeden, Landscape Officer (01799) 510466

Summary

- 1 This report seeks Members' consideration of an objection received to the inclusion of a Yew tree in a Tree Preservation Order served in respect of a number of trees in the grounds of Norman House, Alsa Street, Stansted.

Background

- 2 Following a request from the previous occupier of Norman House a provisional Tree Preservation Order was made protecting 1 no. Cut-Leafed Beech, 1 no. Irish Yew, 1 no. Cedar of Lebanon, 1 no. Purple Maple, 1 no. Copper Beech and 2 no. Lime trees.

Objections

- 3 Objection has been received from the new occupier of Norman House to the inclusion of the Irish Yew in the Order. The grounds of objection are that the red berries are poisonous and would be particularly tempting to her youngest daughter to eat.

Assessment

- 4 The Yew tree is considered to contribute to a quality and fabric of the surrounding area and is of an amenity value worthy of protection by a Tree Preservation Order. The grounds of Norman House are sufficiently large to allow for the Yew to be cordoned off to safeguard against potential risk of poisoning, without unduly affecting the enjoyment of the gardens.

RECOMMENDED that the Tree Preservation Order No. 7/02 be confirmed without amendment.

Committee: Development Control and Licensing
Date: 25 November 2002
Agenda Item No: 10
Title: Delegation of applications and notifications to carry out works to trees
Author: John Bosworth (01799) 510453

Summary

- 1 Minute 400, Planning and Development Committee of 28 March 1996, Decision taking in relation to Tree Preservation Orders and Notifications in Conservation Areas delegated further processes to Officers. Due to an oversight, these arrangements were not incorporated in the current delegation scheme, approved by Council in 2001. This needs to be rectified as soon as possible. This report recommends proposed amendments to the members handbook.

Background

- 2 Prior to 1996, the powers delegated to officers were restricted to determining applications and notifications to top and lop trees. Committee then dealt with applications and notifications to fell trees and to determine Tree Preservation Orders.
- 3 The increasing number of determinations and TPO's had resulted in an unacceptable level of workload on the Committee at that time. As a result additional delegation powers were granted to officers on 28 March 1996 which are set out at 1-6 below.
 - 1 The process of making TPO's be delegated to officers except where formal objections are raised, in which case confirmation of the TPO would be resolved by the Development Control sub committee;
 - 2 The processing of applications relating to TPO's and notifications relating to Conservation Areas be determined by officers;
 - 3 The above procedures in relation to any application for works to trees be included in the weekly lists;
 - 4 The appropriate changes be made to the delegation agreement;
 - 5 The revised procedure to come into effect after 1 April 1996;
 - 6 Town and Parish Councils and Tree wardens be advised of the new procedures.
- 4 Officers have operated these revised procedures since 1 April 1996. However, due to an oversight they have not been incorporated into the current delegation agreement as set out in the members handbook. This has recently raised question marks relating to the validity of officer action in operating the revised procedures since 1 April 1996.

Legal view

- 5 The Council's Head of Legal Services takes the view that all officer decisions in relation to TPO's and felling of trees are valid at least until the date when full Council approved the new delegation scheme in September 2001. The 2001 delegation agreement report does not contain any specific reference to proposed changes to delegation matters concerning trees. The failure to include the necessary changes is simply a clerical error and an oversight. In the absence of evidence that members wished to depart from the earlier Planning and Development Committee decision, recent case law supports the proposition that officer decisions following September 2001 have also been lawful.

Terms of delegation as currently set out in the Member's handbook.

Delegation to Committee

5 The making of Tree Preservation Orders.

Delegation to Chief Officers

9 Determine

- (a) applications and notifications to lop and top trees subject to a Tree Preservation Order or within a Conservation Area
- (b) local requirements for tree planting- a report on any scheme agreed with any Parish Councillor other local organisations to be submitted to the Environment and Transport Committee.
- (c) Hedgerow removal notices.

10. Deal with dangerous trees under the Local Government (Miscellaneous Provisions) Act 1976 and to recharge the costs to owners.

Proposed amendments

- 6 There are conflicts with the 1996 resolution, because as written in the members handbook, officers should not determine the felling of trees or determine unopposed TPO's. The Council no longer operates a tree-planting scheme so this reference has been deleted. The proposed amendments are set out below.

Under Delegation to Committee, amend 5 above to read:

Determine confirmation of Tree Preservation Orders the subject of formal objection(s).

Under Delegation to Officers, amend 9 above to read:

Determine

- (a) Confirmation of Tree Preservation Orders where formal objections have not been received.

(b) Applications and notifications to carry out works to trees subject to a Tree Preservation Order or within a Conservation Area, other than those determined by Committee.

(c) Hedgerow Removal notices.

7 Additionally reference is made to paragraphs 14-18 on page E. 26 of the Members Handbook, in the section dealing with 'Probity in Planning'. These paragraphs refer to declaration of interests, development proposals submitted by Councillors and Officers and Council development. In a nutshell they advise on declarations of personal or financial interest in planning matters; state that planning applications submitted by Members and Officers should be reported to Committee and that any Council development will be reported to Committee.

8 The above paragraphs make no specific reference to tree matters and this is considered to be an omission. It is proposed that a new paragraph be added following paragraph 17 to read thus.

'The procedures set out in paragraphs 15-17 above shall also apply in relation to determining applications and notifications to carry out works to trees.'

Additionally amend the wording of paragraph 18 to read thus.

Council Development.

The Council's own proposals for development and determining applications and notifications to carry out works to trees must be dealt with on exactly the same basis as applications submitted by members of the public. Officers must make recommendations having regard only to proper planning or tree matters and must not have regard to any other benefits, financial or otherwise, which may accrue to the Council as a result of any particular decision on a planning or tree proposal. Councillors must take decisions similarly. Such applications or notifications will be reported to Committee and not dealt with by officers under delegated powers.

RECOMMENDED that Members confirm the amended delegation scheme as set out above.

Background Papers: Minute 400, Planning and Development Committee, 28 March 1996: Members Handbook and associated Member resolutions, Minute 66 Council meeting 2 July 2001 and Minute 71 Special Council meeting, 28 August 2001.

Committee: DEVELOPMENT CONTROL & LICENSING
Date: 25 NOVEMBER 2002
Agenda Item No: 11
Title: PROPOSED AMENDMENT TO CAR PARKING AT THE COUNCIL OFFICES, SAFFRON WALDEN
Author: John Grayson (01799) 510455

Summary

- 1 This report seeks Members' agreement to an amendment to the planning permission which included a revised layout of the car parking facilities at the Saffron Walden Offices.

Background

- 2 At the Committee meeting on 14 August 2002, Members approved a proposal for the change of use of the Lodge House to offices and the creation of 33 parking spaces (net increase of 14), with the erection of two control barriers (UTT/0996/02/DC).

Proposed Amendment

- 3 Further consideration has now been given to the layout and it is proposed to amend the landscaping to provide a narrower, but better screen along the frontage to London Road comprising a yew hedge. The main trees would remain, but others of lesser importance would be removed. This would allow for the reorganisation of the approved layout to provide for 7 visitor spaces, as at present, rather than the 12 as approved, and an extra 11 staff spaces would be created. The net gain would be 6 spaces and, in addition, there would be more opportunity for staff to double park. This would involve relocating the western barrier 10m closer to the oval lawn. Two of the visitors' spaces would be for callers with disabilities. If this amendment was agreed, it is proposed to withdraw the current application for permission to park on the oval lawn (UTT/1444/02/DC).

Consultation

- 4 Specialist Landscape Advice : The revised proposals are considered satisfactory. The layout allows for the retention of the oval lawn which is a fundamental element in the landscape setting of the Listed Building. The proposed planting of a Yew hedge along the London Road frontage wall will provide complete evergreen screening of the parking area from London Road. When clipped, this hedge will provide a strong feature which will contribute to the visual appearance of the site. Those trees which would be removed have been inspected and are not considered to be of sufficient visual amenity to be worthy of protection.

Planning Considerations

- 5 The proposed increase in staff parking and revised landscaping arrangements are satisfactory of a small scale, and may be considered a minor amendment. There would be no adverse effect on the Listed Building or its setting. The proportion of parking spaces allocated to staff and visitors is a management decision for the Council.

RECOMMENDED that the amendment be agreed subject to approval and implementation of details of ground surfacing and a fully detailed planting scheme.

Background Papers: Application file no UTT/0996/02/DC

Committee: Development Control and Licensing
Date: 25 November 2002
Agenda Item No: 12
Title: Appeal Decisions
Author: Jeremy Pine (01799) 510460

The following appeal decisions have been received since the last meeting:

**1 APPEAL BY ENODIS PROPERTY DEVELOPMENTS
FORMER SUGAR BEET WORKS, FELSTED
APPLICATION NO: UTT/0767/01/OP**

Appeal against the refusal of planning permission for the reclamation of despoiled land and redevelopment for up to 655 dwellings (being as net addition of 170 dwellings to those approved under reference APP/C1570/A/96/273656 as amended by application reference UTT/0942/99/FUL) with associated local shopping; public house; doctor surgery; community hall; employment use; school and recreational facilities; open space; highway; engineering works and landscaping work at the former Sugar Beet works, Felsted Essex, together with the demolition and reclamation of the existing Felsted sewage treatment works and change of use to open space and recreational use with associated landscaping.

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| <u>Appeal decision:</u> | DISMISSED |
| <u>Date of decision:</u> | 24 October 2002 |
| <u>Original decision made by:</u> | COMMITTEE |
| <u>Date of original decision:</u> | 5 June 2001 |
| <u>Officers' recommendation to DC CTTE:</u> | REFUSAL |

Summary of decision:

(This was a decision recovered for determination by the First Secretary of State upon consideration of a report by an Inspector who held a public inquiry).

The First Secretary of State agreed with the Inspector that the proposal represented windfall development and that the additional 170 houses would help to make up the significant shortfall that already exists in terms of the local plan's provision for airport-related housing. He noted the Council's objection that the appeal site was relatively poorly served by public transport compared to the other available sites, but considered that the additional facilities proposed (including an on-site doctors' surgery) would help to reduce traffic generation, while increased housing would help to ensure the viability of those facilities. Although he had some concerns about accessibility, he considered that some weight should be given to the fact that there would be housing on the site in any event and he noted the significant housing need in the wider area. He saw no reason to defer consideration until after the local plan review and noted that the proposed density (31 dwellings per hectare) was higher than the permitted scheme in line with PPG3 guidance.

The First Secretary of State agreed with the Inspector that, given the size and location of the proposed development and the findings of the housing needs survey, an element of affordable housing should be provided. He also noted the evidence that low cost market housing (LCMH) would not meet the local need for affordable housing. He did consider that the issue of the economics of the site was a material consideration in determining the amount of affordable housing that should be provided as part of the scheme. The appellants were offering to provide 15% of the additional dwellings as affordable units over and above the 17.2% contribution that the permitted scheme would make, about a third of which would be LCMH. He noted that the Council was still seeking a 25% contribution and that the Council was resisting the appellants' proposal that the registered social landlord should compensate the landowner for the preparation and delivery of the site.

The First Secretary of State noted that the appellant had not attempted to demonstrate that a scheme that made provision for affordable housing would not be viable: they were only concerned to establish whether the appeal scheme would be more profitable than the permitted one. Whilst he accepted that there were additional costs with the proposals (those associated with the relocation or replacement of the sewage treatment works), he did not agree with the Inspector's reasoning that because the Council had accepted a 25% contribution in a development with no such apparent costs, a 15% contribution would be reasonable in this case. He took the view that the proportion of affordable housing being offered across the whole of the appeal site was less than he would expect on a site of this type, particularly in the light of the housing needs survey's conclusions about the inability of LCMH to meet the needs. He did not therefore agree with the Inspector that the proposed contribution would be appropriate given the need and the lack of evidence as to why a higher level of affordable housing cannot be provided. He agreed with the Inspector that it would be inappropriate to require that compensation be payable to the appellants in return for the subsidy involved in providing affordable housing.

The First Secretary of State recognised that agreement had yet to be reached with Anglian Water and the appellants over arrangements for replacing or removing the sewage treatment works, but noted that negotiations were well advanced and that the relaxation of the cordon sanitaria would form part of the agreement. He agreed with the Inspector that if the appeal were to be allowed, there would be a more than reasonable prospect of the cordon sanitaria being reduced to allow the development to proceed within the lifetime of the permission.

An application by the appellants for a full, or in the alternative a partial award of costs against the Council was also DISMISSED. The First Secretary of State agreed with the Inspector that the Council had not acted unreasonably in the conduct of its case. (Further applications for awards of costs by the appellants and a third party against each other were also dismissed).

Comments on decision: This emphasises the importance the Government attaches to affordable housing. It is anticipated that a revised application will be submitted shortly.

**2 APPEAL BY PHILIP NORRIS
LITTLE WARREN, ASHDON ROAD, RADWINTER, SAFFRON WALDEN
APPLICATION NO: UTT/0157/02/FUL**

Appeal against the refusal of planning permission for change of use of the central portion of an existing buildings to residential

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| <u>Appeal decision:</u> | DISMISSED |
| <u>Date of decision:</u> | 14 October 2002 |
| <u>Original decision made by:</u> | OFFICERS |
| <u>Date of original decision:</u> | 28 March 2002 |

Summary of decision:

The Inspector noted that only one third of the building benefited from a CLEUD for residential use and that a previous Inspector had less than a year ago, concluded that planning permission should not be granted for the residential use of the rest of the building. The Inspector was unaware of any material change in circumstances since that time. The proposal would be a consolidation of the residential we of the site affecting its character. The proposal was not infilling, nor would the appearance of the area be enhanced. She noted that a portakabin on the land indicated a need for additional business accommodation and that the appeal building provided on opportunity for this.

Comments on decision: Straightforward Policy decision. Current dismissal rate on this type of appeal (i.e. Rural Area Policy) since 1984/5: 96% (133 cases).

**3 APPEAL BY MR AND MRS D CORNELIUS
PERSES, PUTTOCKS END, GREAT CANFIELD, ESSEX CM6 1LF
APPLICATION NO: UTT/1741/FUL**

Appeal against the refusal of planning permission for a new garage/store/garden building.

Appeal decision: DISMISSED
Date of decision: 30 October 2002
Original decision made by: OFFICERS
Date of original decision: 22 February 2002

Summary of decision:

The Inspector considered that the proposed building would be prominent when viewed from the road and the surrounding area, and would appear separate from and poorly related to the existing buildings. It would be unsympathetic and intrusive to the historic setting of the listed building in its pastoral landscape and unacceptably detrimental to the character and appearance of the countryside.

Comments on decision: Continued support for protecting Listed Buildings. Current dismissal rate on this type of appeal (i.e. Effect on Setting of Listed) Since 1984/5: 86% (137 cases).

**4 APPEAL BY R GARTON
THE STABLES AT FOREST FARM, HATFIELD BROAD OAK
APPLICATION NO: UTT/1435/01/FUL**

Appeal against the refusal of planning permission for the conversion of the stables to a dwelling.

Appeal decision: ALLOWED
Date of decision: 29 October 2002
Original decision made by: COMMITTEE
Date of original decision: 5 March 2002
Officers' recommendation to DC CTTE: REFUSAL

Summary of decision:

The Inspector considered that the building appeared to be in sound condition and that it created a pleasing enclosure to the farm yard, contributing to group value and an inherent part of the setting of Forest Farm, a grade II listed building. He felt that the conversion works would be sympathetic, retaining the essential simplicity and general external appearance of the building. In view of other permissions for residential barn conversion in the vicinity, the Inspector did not attach much weight to any potential for employment or commercial re-use.

Comments on decision: These cases can be subjective in assessment and go either way, but the % dismissed is still the same as the Uttlesford overall average. Current dismissal rate on this type of appeal (i.e. Residential Conversion of Rural Buildings) since 1984/5: 74% (51 cases).

**5 APPEAL BY E LEYNS
LAND AT TAKELEY STREET, TAKELEY
APPLICATION NO: UTT/0239/02/OP**

Appeal against the refusal of outline planning permission for the erection of five dwellings.

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| <u>Appeal decision:</u> | DISMISSED |
| <u>Date of decision:</u> | 30 October 2002 |
| <u>Original decision made by:</u> | COMMITTEE |
| <u>Date of original decision:</u> | 11 April 2002 |
| <u>Officers' recommendation to DC CTTE:</u> | REFUSAL |

Summary of decision:

The Inspector considered that the proposal would be detrimental to the settings of the pair of listed gate lodge houses, nothing that on the illustrative plan one of the dwellings would be substantially forward of the listed houses. He also felt that the depth of development would unacceptably detract from the character of the area. He was also of the view that material overlooking of the lodge houses would be caused and was not satisfied that this could be overcome completely by arrangement. He did not think that material highway dangers would result subject to no more than only one dwelling being commenced until the opening of the new A120. Had he have allowed the appeal, an appropriate condition would have been imposed.

Comments on decision: Straightforward Policy decision. Current dismissal rate on this type of appeal (i.e. Rural Area Policy) since 1984/5: 96% (133 cases).

**6 APPEAL BY B F SHEFFIELD
THE OLD PLACE, UGLEY GREEN
APPLICATION NO: UTT/0116/02/FUL**

Appeal against the refusal of planning permission for a traditional four bay garage with storage space within roof void.

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| <u>Appeal decision:</u> | ALLOWED |
| <u>Date of decision:</u> | 29 October 2002 |
| <u>Original decision made by:</u> | OFFICERS |
| <u>Date of original decision:</u> | 5 March 2002 |

Summary of decision: The Inspector considered that the new garage would not unduly affect the setting of the listed building by virtue of distance and screening. It would be well-designed and ancillary to the dwelling.

Comments on decision: Cases like this are sometimes matters of subjective judgement. Current dismissal rate on this type of appeal (i.e. affecting the setting of Listed Buildings) since 1984/5: 86% (138 cases).

FOR INFORMATION

Committee: Development Control and Licensing

Date: 25 November 2002

Agenda Item No: 13

Title: PLANNING AGREEMENTS

Author: Frank Chandley (01799 510417)

The following table sets out the current position regarding outstanding Section 106 Agreements:-

| | Planning Ref | Approved by Applicant Committee | Applicant | Property Position | Current |
|---|----------------------------------|--|----------------------------------|--|--|
| 1 | UTT/0791/98/REN | 7.12.98 | Wickford Dev Co Ltd | Emblems Great Dunmow | Negotiations continuing |
| 2 | UTT/0443/98/OP UTT/1123/00/OP | 18.3.02 | Pelham Homes Ltd Croudace Ltd | Rochford Nurseries | Negotiations continuing |
| 3 | UTT/0816/00/OP | 29.4.02 | Countryside Properties Plc | Priors Green Takeley/Little Canfield | Agreements being negotiated |
| 4 | UTT/1591/01/OP | 1.7.02 | Aldis of Barking Ltd | Hoblongs Industrial Estate, Great Dunmow | Agreement to be prepared by Essex County Council |
| 5 | UTT/0884/02/OP | 22.7.02 | Exors of D M Harris | 83 High Street Great Dunmow | Agreement to be prepared by Essex County Council |
| 6 | UTT/0647/02/FUL | 23/9/02 | Mill Projects Ltd | Hasler House, Great Dunmow | Agreement to be prepared by Essex County Council |
| 7 | UTT/0875/02/FUL | 23/9/02 | Granite Estates Ltd | Thaxted Road, Saffron Walden | Agree to be prepared by Essex County Council |

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| 8 | UTT/1129/02/FUL | 23/9/02 | Mr C Warden-Smith (Rural Housing Trust) | The Street, High Easter | Agreement being executed |
| 9 | UTT/1129/01/OP | 12/9/02 | BAA Plc | Stansted Airport | Agreement being negotiated |
| 10 | UTT/0449/02/OP UTT/0450/02/OP | 4/11/02 | Wickford Development Company Ltd | Sector 3 Woodlands Park | Agreement being negotiated |

Background Papers: Planning Applications
Files relating to each application

FOR INFORMATION