

**Committee:** Development Control  
**Date:** 31 August 2004  
**Agenda Item No:** 6  
**Title:** UTT/0518/02/FUL – Land at the Laurels Yard, Dunmow Road, Takeley – proposed revisions  
**Author:** John Mitchell (01799) 510450

### Summary

- 1 This report seeks the Committee's view on the possibility of development at the above site proceeding independently of the overall Prior's Green development, which has yet to receive planning permission.

### Background

**NOTATION:** Within Takeley Local Policy 1 Area in Adopted District Plan (ADP) and within Takeley / Little Canfield Local Policy 3 – Prior's Green Site in the Deposit Draft Local Plan (DLP). Outside the approved master plan for Prior's Green. The site is within the area subject to Supplementary Planning Guidance for existing small areas within Prior's Green, Takeley/Little Canfield approved by the Environment and Transport Committee on 11<sup>th</sup> March 2003.

**DESCRIPTION OF SITE:** The site has an area of 1.46 ha, is irregularly shaped and has a frontage of 47m to the north side of the current A120 between Wayside Cottage and Broadfield Villas. It extends to a depth of approximately 158m with a maximum width of approximately 115m. The site is currently in use for the sorting, storage and sale of a range of scrap items made from different materials. Uses surrounding the site include residential and agriculture/uncultivated land.

**DESCRIPTION OF PROPOSAL:** Outline planning permission is sought for residential development with all matters reserved. At their meeting of 7<sup>th</sup> April 2003 the Development Control Committee resolved to grant planning permission for the development subject to a number of conditions and a Section 106 Agreement, the thrust of which was to ensure that development of the site took place within the overall umbrella of the Prior's Green development and made contributions in accordance with the approved Supplementary Planning Guidance. A copy of the original report is appended.

The Prior's Green development does not yet have planning permission as, although the Committee has resolved to grant planning permission subject to a Section 106 Agreement, it has not been possible to conclude that agreement because of land

assembly problems. Because of this delay the applicant for The Laurels now seeks to remove this restriction on the basis that, unlike other "island sites" this site has brownfield status and its development can be brought forward on its own merits. The proposal is now to amend the draft Section 106 Agreement to enable development to proceed independently if development of Prior's Green has not commenced by March 2005. Key to this is enabling independent access from the old A120 (B1256), with the proviso that should development of Prior's Green start by 31<sup>st</sup> March 2007 then access from the Prior's Green estate roads should be obtained as originally proposed.

When the Environment and Transport Committee approved the supplementary planning guidance for Prior's Green it was on the basis that the interests of existing landowners should not be unduly prejudiced.

This report seeks Members' views in principle.

**APPLICANT'S CASE:** See attached letter of 9<sup>th</sup> July 2004.

**RELEVANT HISTORY:** Established Use Certificate granted for the dismantling, sorting, storing and resale to trade and public in whole or part 1991. Erection of replacement building approved 1993. Resolved to grant planning permission for residential development subject to Section 106 Agreement linking the development to the overall Prior's Green development.

**CONSULTATIONS:** No new consultations – see previous report

**TOWN/PARISH COUNCIL COMMENTS:** No new consultations – see previous report

**REPRESENTATIONS:** None.

**PLANNING CONSIDERATIONS:**

The main issues are

- 1) **whether the development could be compatible with the master plan and the Council's Supplementary Planning Guidance, PPG3, ADP Takeley Local Policy 1 and DLP Local Policy 3**
- 2) **the extent to which social, amenity and infrastructure contributions are required.**
- 3) **whether the development should proceed independently or contiguous with the Prior's Green development.**
- 4) **The position with regard to Prior's Green**

1) The site lies outside the Master Plan area for Prior's Green, but is surrounded by it on three sides. It lies within the policy area for residential development at Takeley/Little Canfield. The Development Plan policies do not permit residential development of this site in isolation, but would permit an appropriate commercial redevelopment of the site given its brownfield status. Residential development of this site is would be acceptable in principle provided it is contiguous with the development of the Prior's Green site overall and the principles of the Master Plan. Members may consider, given the size of the site that if development were to

proceed in isolation residential may be a more appropriate use than commercial development of this brownfield site. Commercial development could also prejudice the long-term development of Prior's Green. The Committee previously considered that 44 dwellings was reasonable for this site in the light of advice on densities in PPG3: however this was against the background of comprehensive development in the context of Prior's Green and the total number of dwellings may be considerably fewer if there is only the brownfield status of the land to rely on as a justification for development. This is an area for further consideration should Members accept the principle.

Supplementary Planning Guidance emphasises that development of this and the other "island sites" is acceptable in principle; that new development should gain access from the approved internal road network; that financial contributions should be made towards education, transport, sports, community and landscaping facilities; that affordable housing should be provided; and that no permissions should be granted on the island sites until UTT/0816/00/OP has outline planning permission. The applicant has up to now accept that development should take place within the overall umbrella of SPG but is becoming increasingly frustrated at the delays preventing commencement of the Prior's Green development.

2) SPG requires that all the island sites other than the land adjacent to Takeley Nurseries should make appropriate and proportionate contributions to social, amenity and infrastructure requirements. These are based on an assessment of the costs of primary and secondary education, a contribution to transport enhancement and a contribution to the enhancement of local sports and/or community facilities, a contribution to fitting out, equipping and furnishing the on-site community centre and a financial contribution to structural landscaping and a 15-year landscape sum for its proper maintenance. The total basic financial contribution for wider and longer term benefits excluding affordable housing and any associated additional educational payments and landscape contributions totals £5,969 per dwelling at current prices. If development is to proceed independently then, because these are aggregated figures on the basis of a 750-dwelling development, the contributions will have to be substantially re-negotiated.

3) The overall policy context means that independent residential development of this site without reference to the overall development of Prior's Green would not be acceptable. However it does have brownfield status. Development Plan policies point towards the acceptability of a commercial redevelopment of this site, but members may consider that residential would be more appropriate given the residential nature of existing developed land in the vicinity and the Prior's Green proposals.

Access would need to be taken directly from the B1256 and this is a matter which has yet to be explored with the Highway Authority, but it should be borne in mind that the site already generates considerable vehicular activity from its existing access point onto the B1256. Moreover the new A120 has been completed since the application was last before Members. The applicant proposes a safeguard that would still require access from the internal road system of Priors Green if the development starts before March 2007.

4) It was resolved to grant permission for the Prior's Green development in 2002 but the Section 106 Agreement has yet to be signed because of land assembly

issues. It is anticipated by its developer that conclusion of the agreement is imminent and that a start will be made on site early in the New Year.

**COMMENTS ON REPRESENTATIONS:** None since previous report

**CONCLUSIONS:** Officers consider that there is scope to permit residential development of this site independently of the Prior's Green development provided that, should that development commence, it is not prejudiced by development of the Laurels. The site is unique among the island sites in that it has brownfield status and its independent development would not set a precedent. It is unlikely that 44 dwellings would be acceptable on a stand-alone site, but the extent of residential development that the site could support is a matter for further investigation. Similarly the principle of independent access from the B1256 has yet to be explored, as have the service, amenity and infrastructure contributions that would be necessary. If Members agree with the principle then a further report will be brought to this meeting. If not then Officers will proceed with the agreement as previously resolved by the Committee.

**RECOMMENDED: THAT OFFICERS CONTINUE TO NEGOTIATE WITH THE APPLICANTS ON THE BASIS OF THE INFORMATION SET OUT IN THIS REPORT AND THAT, ON CONCLUSION, A FURTHER REPORT BE BROUGHT TO THIS COMMITTEE**

*Background papers: see application file.*













**Committee:** Development Control Committee

**Date:** 31 August 2004

**Agenda Item No:** 7

**Title:** Enforcement of Planning Control:  
Land adjacent to Winterbeck, North Hall Road, Henham  
Interests in land: Ms L Kew and others (not declared)

**Contact:** Clive Theobald on (01799) 510463 and Nicholas Ford on  
(01799) 510468

### **Introduction**

- 1 This report concerns the carrying out of unlawful groundworks, the unlawful siting of a mobile home and the unlawful installation of services associated with this and recommends that enforcement and, if necessary, legal action, be taken to bring about their removal from the land.

### **Notation**

- 2 ADP: Rural Area/Outside Development Limits  
DLP: Outside Development Limits

### **Planning History**

- 3 Planning permission refused in 1976 for erection of bungalow of similar design to adjacent cycle huts for permanent private occupation (UTT/0286/76 refers). Outline planning permission allowed on appeal in 1980 for the erection of a bungalow for weekend/recreational private occupation (UTT/0504/79), although subsequent details refused, but not appealed against (UTT/0089/82).

### **Enforcement History**

- 4 Enforcement action agreed in 1996 against the use of the land for storage of building materials and plant (ENF/168/95/D). Activity ceased prior to issue of enforcement notice. Enforcement action taken in 2003 against the unauthorised storage of motor vehicles and parts. Compliance achieved following direct action by the Council earlier this year to remove remaining vehicles from the land (ENF/49/99/D).

### **Background**

- 5 This undeveloped site lies on the north side of North Hall Road, Henham, immediately opposite the junction with the road leading to Ugley Green. It is

bordered by the London to Cambridge railway line to the rear, by the residential property known as Winterbeck to the immediate south-east and by a cycling club house to the immediate north-west. Planning records indicate that the site originally formed part of a larger parcel of land, which was subsequently divided into small plots by a former owner with the intention that planning permission could then be sought to develop them for individual weekend/leisure uses. The site is the last of these. The site is gated from the main road and screened from public view by an earth bund.

- 6 Road planings and aggregate have been laid across the site by the present owner to provide a firm surface and a mobile home of the larger, chalet variety, measuring approximately 14 metres by 6 metres, has been sited on concrete blocks on this material. Electricity has been connected to the site and an external electricity meter housing unit has been erected immediately behind the mobile home. A Klargestor waste disposal unit has been installed in a newly excavated pit at the front of the site, which was in the course of being connected to the mobile home during the preparation of this report. The mobile home is presently unoccupied. A handwritten sign has been placed at the front of the site saying "Henham Highgrove". All of these activities have taken place following the clearance of motor vehicles and motor vehicle parts from the land, carried out in part by the Council earlier this year through direct action. It is understood that the present owner had no connection with this latter activity.
- 7 In furtherance of its enquiries, the Council has served a Planning Contravention Notice on the owner, whom, it is believed, has been responsible for the works on the land and for the siting of the mobile home. In response to this, the owner has stated that the mobile home is for security purposes and to deter unwarranted visitors, particularly in view of a nearby travellers' encampment. Additionally, that services already existed on the site (electric and water) and that the purpose of the newly dug services trench is to renew and update existing sewer pipe work to regulations standard. The owner has also stated that planning permission exists to site a mobile home on the land and has enclosed documentation to support her claim. This relates to a 1980 planning appeal decision overturning the decision by the Council to refuse outline planning permission for the erection of a small bungalow on OS Plot Number 290 for weekend/recreational private occupation by the applicant and his family (UTT/0504/79) and which was intended to be of similar design to the adjacent cycle club houses. The planning permission granted under UTT/0504/79 has long since lapsed and cannot therefore be implemented today. Previous planning records indicate that no services existed at the site prior to the siting of the mobile home, although it is known that a water pipe has historically run underneath the site serving the cycle clubhouses.
- 8 In the circumstances, it is considered that the siting of the mobile home on the land constitutes the introduction of an unlawful use and that the new ground surface, electricity meter unit and Klargestor unit represent unlawful works/installations. The owner has been advised of this and to cease further work on site. It is within the Council's knowledge that the land has not been used for the siting of mobile homes or other forms of caravans in recent years and certainly not after 1991. A Certificate of Lawfulness application would

therefore not succeed on this basis and the owner has been advised of this also.

## Consultations

### ECC Transportation and Operational Services:

- 9 North Hall Road is classed as a deminimis highway. However, the site is located on a bend where visibility is restricted in both directions. Insufficient available land is within the owner's control along the site frontage for improvement measures to take place.

## Planning Assessment

**The main issues in this case is whether the laying of the new surface and the siting of the mobile home have a detrimental effect on the visual amenities of the area and whether the use is detrimental to highway safety. Further, whether it would be expedient for enforcement action to be taken to remedy any environmental harm/highway dangers that may be being caused.**

- 10 The site lies in a rural area outside development limits. ADP Policy S2 (DLP Policy S7) states that planning permission will not normally be given for development in the countryside beyond development limits unless the proposals relate to agriculture, forestry or appropriate recreational uses. The siting of the mobile home at this location does not accord with any of these exceptions and is therefore contrary to this policy. The mobile home by its large size and general appearance, together with the new hard surfacing of the site, is considered to be detrimental and alien to the rural character of the countryside. Furthermore, DLP Policy S7 states that the countryside will be protected for its own sake. Planning permission will only be granted for development that needs to take place there. Such discordant development does not accord with these aims and provides an irregularity of design in the existing street scene contrary to ADP Policy DC1 and DLP Policy GEN2. The fact that the site is partially enclosed is not seen as a mitigating circumstance.
- 11 ADP Policy T1 states that development proposals will normally be refused if the nature and volume of traffic likely to be generated creates traffic hazards, causes unreasonable delays and convenience to other road users, or leads to a significant reduction in the environmental quality of the locality. DLP Policy GEN1 also carries forward the thrust of this policy. ECC Highways have expressed a view that access arrangements are poor in relation to the present use of the land, even if the present use would appear to be less intensive than the previous use.

## Conclusion

- 12 In view of the above, it is considered by your officers that planning permission is unlikely to be forthcoming for the retention of the hard surface and mobile home if applied for and that it is expedient for enforcement action to be taken to secure the removal of the hard surfacing and the cessation of this unacceptable siting at this rural location.

RECOMMENDED that enforcement and, if necessary, legal action, be taken to bring about the removal of the mobile home from the land, the removal of the hard surfacing and the removal of the services installed in connection with the mobile home.

Background Papers: Enforcement file ENF/001/04/A



**Committee:** DEVELOPMENT CONTROL

**Date:** 31 August 2004

**Agenda Item No:** 8

**Title:** ENFORCEMENT OF PLANNING CONTROL – LAND AT OAK LODGE/WATERSIDE COTTAGE, JACKS LANE, TAKELEY (ENF/12/04/B)  
INTEREST IN LAND: MR & MRS R GRIFFITHS AND MR & MRS A PAGLIARULO

**Author:** Mr I Pigney (01799) 510459

### **Introduction**

- 1 This report concerns a breach of a planning condition requiring that a detached annexe, Waterside Cottage, shall only be occupied by dependant relatives of the residents of the main dwelling on this site known as Oak Lodge. It recommends that enforcement and, if necessary, legal action be taken to ensure compliance with that part of the condition, requiring that the planning unit shall not be subdivided, separated or altered so as to create two or more dwelling units.

### **Notation**

- 2 ADP: Within Stansted Airport Countryside Protection Zone  
DLP: Within Stansted Airport Countryside Protection Zone

### **Relevant History**

- 3 Outline applications for a bungalow refused in 1978 and 1979. Alterations and additions to form new bathroom, bedroom and kitchen approved in 1980. Proposed granny bungalow to replace mobile home refused 1988. Retention of two-storey extension approved 1988. Established use certificate for mobile home withdrawn 1988. Proposed single storey extension approved 1988. Erection of detached dwelling and double garage dismissed on appeal 1994. Certificate of Lawfulness for retention of mobile home approved 1998. Erection of detached annexe approved 1998.

### **Site Description**

- 4 Waterside Cottage, the annexe approved in 1998, is a detached property located in the garden of Oak Lodge, with no boundary between the two. It has a number of outbuildings in close proximity to it. It shares the access to Oak Lodge, but otherwise appears to be entirely self-contained and is provided with all facilities, including a kitchen and bathroom.

### **Background and Recommendation**

5 This matter came to the attention of the Council as a result of a decision in January 2004 dismissing an appeal against the refusal of planning permission for the removal of condition C.6.12 attached to a planning permission Reference UTT/1136/97/FUL for the erection of a detached annexe. The conditions states:

*The building hereby permitted shall only be occupied by dependant relatives of the residents of the main dwelling on this site know as "Oak Lodge" and the planning unit shall not be subdivided, separated or altered so as to create two or more dwelling units.*

Evidence was submitted by the appellants in support of their appeal stating that Oak Lodge was occupied by Mr and Mrs Griffiths, while Waterside Cottage (the detached annexe) was occupied by Mr and Mrs Pagliarulo, the daughter and son-in-law of Mr and Mrs Griffiths. It was further stated in the evidence that the family relationship is the only connection.

In dismissing the appeal the Inspector commented that the removal of the condition would have the effect that Waterside Cottage would have permission as a detached annexe without any restriction on occupancy.

Notwithstanding the description of the property as an annexe, this would have the effect of creating a separate dwelling in the countryside, which the restrictive policies relating to the countryside and Stansted Airport Countryside Protection Zone were clearly designed to prevent. The Inspector agreed with the Council that if a separate dwelling in the countryside became established by this means it would have been achieved by circumventing the development plan policies. She concluded in dismissing the appeal that the removal of Condition C.6.12 would cause significant harm to the character of the Countryside and would be contrary to the thrust of SP Policy C5 and LP Policy S4.

If no action were to be taken by the Council in respect of the breach of condition, as revealed both in the evidence submitted by the appellant in support of his appeal and the character and present occupation of Waterside Cottage that the family relationship is the only connection between the occupants of Oak Lodge and Waterside Cottage then, with the passage of time, immunity would be gained precluding the Council from taking enforcement action. It would also most likely follow that Waterside Cottage could then become a separate dwelling through an established use.

As a result the appellant was advised that the evidence he had provided to support his appeal, together with the evidence that Waterside Cottage is a fully self contained dwelling unit occupied by his married daughter and her husband, that there is a prima facie breach of the condition. He was invited to discuss this with a view to ensuring that while his daughter and son-in-law live in Waterside Cottage, it remains subservient to Oak Lodge and their occupation did not result in the separation of the units so as to create two or more dwelling units. He has been assured that in any negotiations it is not the intention of the Council to make his daughter and son-in-law homeless. However, he has not responded to the invitation.



A Breach of Condition Notice (BCN) could be served in respect of this matter. However, this is not considered appropriate in this case as a BCN requires the person upon whom it is served to secure full compliance with the requirements of the conditions that are specified in the Notice. In this case, as Mr Griffith's daughter and son-in-law are not *dependant* relatives, they would be required to leave the annexe to achieve compliance with the condition.

In the circumstances, it is considered expedient in this case to issue an enforcement notice to take account of the personal circumstances of the family, while at the same time ensuring the objectives of Condition C.6.12 are safeguarded for the future.

RECOMMENDED that enforcement action and, if necessary, legal proceedings, be taken to secure the objectives of Condition C.6.12 of Planning Permission UTT/1136/97/FUL.

Background papers: Enforcement files No: ENF/12/04/B and Planning Application files No: UTT/1136/97/FUL & UTT/0198/03/FUL.

**Committee:** Development Control  
**Date:** 31 August 2004  
**Agenda Item No:** 9  
**Title:** Enforcement of Planning Control – Land at 8 Westbury House, Stortford Road, Great Dunmow – ENF/191/02/D  
**Author:** Mr I Pigney (01799) 510459

### **Introduction**

- 1 This report concerns the derelict and neglected condition of an unoccupied semi-detached dwelling house and garden curtilage. The report recommends that enforcement and, if necessary, legal action be taken to ensure the proper maintenance of the land.

### **Notation**

- 2 ADP: Within Town Development Limits. Designated Conservation Area  
DLP: Within Settlement Boundary. Conservation Area

### **Relevant History**

- 3 Alterations and additions approved in 1968. Outline approval for the erection of a single detached dwelling approved 1991 (not implemented)

## **Site Description**

- 4 The property is a semi-detached dwelling with a private access off Stortford Road that serves three dwellings on land within the designated conservation area to the rear of Foakes House, a Grade II listed building occupied by Dunmow Town Council Offices, and access to the rear of dwellings in Westbury House also a Grade II listed building, that fronts onto Stortford Road. The property can be seen from Stortford Road as the left half of a pair of semi detached houses. The adjoining house and other nearby properties are in a good state of repair and are well maintained.

## **Town Council Comments**

- 5 To be reported (due 23 August 2004).

## **Representations**

- 6 One letter received: The property has deteriorated over the last 15 years and is now in a deplorable state with gardens that resemble a jungle. I am concerned that, if no maintenance is carried out soon, the property will become unsafe and irreparable.

## **Background and Recommendation**

- 7 This matter first came to the attention of the Council in 2001 through an enforcement investigation following a complaint concerning the condition of the property. At that time the garden was generally overgrown but accessible and, although unoccupied, the dwelling appeared to remain structurally sound. Attempts at that time were made to trace the owner of the property but these were unsuccessful. By October 2003 the condition of the property, which information suggests has not been occupied for over 15 years, had declined. The growth of vegetation prevents access to most of the land, while the fabric of the house is decaying, with signs of rot and damp damage. It would appear that no maintenance to either the dwelling or the land has been carried out for a number of years. The present appearance and condition of the land and building is such that the amenity of the area is adversely affected by the condition of the land. Further enquiries to trace the owner have been unsuccessful; including contact with a firm of London solicitors who previously acted for the owner at the time the outline planning permission was granted in 1991 for a dwelling within the curtilage of the existing property.

Section 215 of the Town and Country Planning Act 1990 gives a wide ranging enforcement power to the local planning authority to impose a positive duty on a landowner to ensure the proper maintenance of land. A notice must be served on the owner and occupier of the land and contain the steps for remedying the condition of the land and the period within which such steps should be taken. In the event that the owner cannot be found, the Act provides a default power to carry out any steps required by the notice and for the recovery of any expenses reasonably incurred in doing so.

RECOMMENDED that enforcement action and, if necessary, legal proceedings, be taken to ensure the proper maintenance of the land.

Background papers: Enforcement files No: ENF/267/01/D and ENF/215/03/B  
Application files No: UTT/0323/03/FUL.

**Committee:** DEVELOPMENT CONTROL

**Date:** 31 AUGUST 2004

**Agenda Item No:** 10

**Title:** ENFORCEMENT OF PLANNING CONTROL – LAND  
ADJACENT TO NETHERFIELD, BIGODS LANE, GREAT  
DUNMOW (ENF/240/03/B)

**Author:** INTEREST IN LAND: MR D DAVIES  
Mr I Pigney (01799) 510459

### **Introduction**

- 1 This report concerns the change of use of agricultural land to garden that has taken place following an earlier refusal of planning permission for such change. The report recommends that enforcement and, if necessary, legal action be taken to secure the cessation of use of the land as private garden.

### **Notation**

- 2 ADP: Outside Development Limits. Within Area of Special Landscape Value.  
DLP: Outside Settlement Boundary

### **Relevant History**

- 3 Conversion of garage to day room and erection of new garage conditionally approved 1980 and renewed 1985. Change of use of agricultural land to garden conditionally approved 1991. Change of use of agricultural land to garden conditionally approved 2000. Change of use of agricultural land to garden refused 2002. (Application subject of this report).

### **Site Description**

- 4 The site is located in Bigods Lane to the north side of the existing garden of this detached dwelling. It is an area of approximately 0.108ha and was formerly the southern corner of a large open field that rises above the nearby settlement of dwellings. It is a prominent location, visible from The Broadway (B1057) road to the east. A public footpath runs along the western boundary. There have been two permissions for change of use of adjacent pieces of

agricultural land to the north and east of the original site, enlarging the private garden area.

### **Background and Recommendation**

- 5 This matter first came to the attention of the Council through an enforcement investigation in November 2003 following refusal of planning permission for the change of use of the land from agricultural to private garden in 2002. At that time it was noted the land had been enclosed by the planting of a hedgerow on the field boundary, with specimen trees and shrubs planted within the enclosed area. As a result, the occupier was advised in February 2004 that, while the planting that had been carried out did not require planning permission, use of the land for garden land incidental to the residential enjoyment of the adjacent property would constitute a breach of planning control.

A recent inspection found that laurel hedging has been planted along the highway boundary of the land, extending the line of an existing laurel hedge along the highway boundary to the dwelling. The grass is kept closely mown and a compost heap is located in the south east corner of the land. The land has open links to the existing garden resulting in the appearance of the site being part of a continuous garden area surrounding the dwelling. The manicured appearance of the site severs any relationship to the surrounding agricultural land and extends the urbanisation of the area into the countryside, eroding the open rural character of the locality.

RECOMMENDED that enforcement action and, if necessary, legal proceedings, be taken to secure the cessation of the use of the land as private garden.

Background papers: Enforcement file No: ENF/240/03/B and Planning Application file No: UTT/1251/02/FUL.

**Committee:** DEVELOPMENT COMMITTEE  
**Date:** 31 August 2004  
**Agenda Item No:** 11  
**Title:** TREE PRESERVATION ORDER NO 4/04 SOUTH LODGE  
QUENDON PARK  
**Author:** Ben Smeeden (01799) 510466

### **Summary**

- 1 This report seeks Members' consideration of an objection against the serving of a Tree Preservation Order on a Scots Pine tree at Quendon Park.

### **Background**

- 2 Following an enquiry received in respect of the condition and status of a Scots Pine tree in the grounds of Quendon Park the tree was inspected by the Council's Landscape Officer. The tree was found to be a mature specimen of some 10m in height and in good general health. The tree was considered to be of significant amenity value contributing to the fabric of the historic park. Subsequently, a Tree Preservation Order was served to protect the tree.

### **Representations and Objections**

- 3 An objection to the serving of the Tree Preservation Order has been made by agents acting on behalf of the land owner. The grounds of objection are summarised as follows:-
  - (i) The Scots Pine tree is not indigenous to the area and is out of keeping with the wider estate;
  - (ii) The tree regularly sheds branches and is a danger to passers-by;
  - (iii) The tree adds little or no amenity to the immediate or more distant area; and
  - (iv) It appears that the Tree Preservation Order has been made in a response to a suggestion that the tree be removed and without consideration to the very substantial risks that it now poses.

### **Consideration of the Grounds of Objection**

- 4 Scots Pine is not a species indigenous to North West Essex. However, as part of a 19<sup>th</sup> Century historic parkland it is considered to be an entirely appropriate species in keeping with the surrounding landscape.

No evidence has been provided that the tree regularly sheds limbs. Some previous storm damage has occurred, however, the tree has been found to be in good general health.

The tree stands as a solitary parkland specimen adjacent to the main driveway to Quendon Hall. The tree is visually important in the landscape being given further prominence as it marks a change in direction of the driveway.

It was considered expedient to serve the Tree Preservation Order as there were reasons to believe that the tree may be under threat. However, the Order was made on the grounds that the tree makes an important contribution to the visual amenity of the area.

**RECOMMENDED** that the Tree Preservation Order be confirmed without amendment.

Background Papers:

**DEVELOPMENT CONTROL COMMITTEE – 31 AUGUST 2004**  
**APPEAL DECISIONS**

APPEAL BY	LOCATION	APPLICATION NO	DESCRIPTION	APPEAL DECISION & DATE	DATE OF ORIGINAL DECISION	SUMMARY OF DECISION
Mr C Dovaston	Formentor Wrights Green Little Hallingbury	UTT/0733/03/FUL	Appeal against refusal to grant permission for detached garage	23 July 2004 DISMISSED	30 July 2003	The Inspector concluded that the proposed garage, set forward of the house, would be intrusive to the street scene.
Mr A Macbride	71 The Causeway Great Dunmow	UTT/0963/03/FUL	Appeal against refusal to grant permission for the demolition of stables and the construction of a new dwelling	28 July 2004 DISMISSED	15 Oct 2003	The Inspector concluded that development is acceptable in principle but that the proposed dwelling would be too large not to harm the conservation area and danger to a preserved tree.