

UTT/0982/05/FUL – LANGLEY	3
UTT/0895/05/DFO – TAKELEY	11
UTT/0988/05/FUL - SAFFRON WALDEN	16
UTT/0923/05/FUL – STEBBING	20
UTT/1140/05/FUL – WIMBISH.....	25
UTT/0804/05/FUL – TAKELEY	28
UTT/1003/05/FUL - WIMBISH.....	31
UTT/0994/05/DFO - LITTLE DUNMOW	36
UTT/1113/05/FUL - HATFIELD BROAD OAK	38
UTT/1229/05/FUL - SAFFRON WALDEN	41
UTT/0765/05/FUL – THAXTED.....	42
UTT/0863/05/FUL - GREAT EASTON	44

PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 31 AUGUST 2005

APPL NO: **UTT/0982/05/FUL**
PARISH: **LANGLEY**
DEVELOPMENT: Change of use of barns to industrial use and office.
Storage of joinery machine, construction of panels etc.
for house construction
APPLICANT: Pelham Structures Ltd
LOCATION: Grange Farm
D.C. CTTE: 10 August 2005 (see report copy attached)
REMARKS: Deferred for Site Visit
RECOMMENDATION: **Refuse**
Case Officer: *Mr G Lyon 01799 510458*
13 week Date: 15 September 2005

UTT/0982/05/FUL – LANGLEY

Change of use of barns to industrial use and office. Storage of joinery machine, construction of panels etc. for house construction.

Grange Farm. GR/TL 449-354. Pelham Structures Ltd.

Case Officer: Mr G Lyon 01799 510458

13 week date: 15/09/2005

NOTATION: Uttlesford Local Plan: Outside Development Limits. Adjacent to the site is a Grade II listed building and curtilage listed barn. The listed building is also an ancient scheduled monument. Special verges to the north of the site towards Duddenhoe End as well as protected lanes.

DESCRIPTION OF SITE: The site is located approximately 500m north east of the centre of Langley upper Green on the western side of an unclassified road running from Langley towards the B1039 via Duddenhoe End and other small hamlets. The site is approximately 0.4 hectares in size with a frontage width of approximately 97m and a maximum depth of 60m. The site was formerly part of Grange Farm before being sold to Clavering Farm where it was used as part of their farm operations for grain storage and drying etc. The site has, according to the applicants, become recently redundant for farming purposes. The site consists of a range of large buildings built at different times and of differing materials reflecting the previous agricultural use, set around a large concrete yard. The largest building, referred to as Building 1 in the applicants submission is an asbestos clad barn with a footprint of 550sq.m, length of 31m and a depth of approximately 18m. The building has a shallow pitched roof with a height to ridge of 7.3 for the majority with a taller section 9.1m high on the eastern side next to the road. Building 2 also has a shallow pitched roof with attached lean-to. The building has a footprint of approximately 343sq.m and is approximately 19m square in size. This building is clad with corrugated metal sheeting and the lean-to section is open along the southern side. The building has large roller shutter doors on the eastern elevation facing into the courtyard. Building 3 is the smallest of the barns with a footprint of approximately 330sq.m, width of 22m and a depth of 15m. It has a rear and side lean-to and a bow-strung curved principle roof. The building is clad with corrugated sheeting. To the east of Barn 3 are several large storage tanks. The site is enclosed at the front by fencing and some planting. To the rear of the site, approximately 10m away from Barn 3 are older barns associated with Grange Farm,

DESCRIPTION OF PROPOSAL: The applicant is seeking full permission to change the use of the site from agricultural to industrial use for the manufacture of timber-framed buildings. The proposal would involve the re-cladding and insulating of the three main buildings along with the demolition and removal of old agricultural equipment and tanks etc. The applicant is also seeking permission to erect a new pitched roof office/reception building that would be 14.4m wide and 6.3m deep with a height to eaves of 2.35m and a height to ridge of 6.1m. Further alterations include a new front ramp, brick and flint front wall, staff car park and works to improve the surface of the existing car park.

APPLICANT'S CASE: The applicant has submitted a supporting statement to accompany the submitted plans along with a Bat Survey and Sustainability Report and Traffic Impact Assessment. A copy of the reports can be inspected on the Council's website or at the Council Offices.

RELEVANT HISTORY: The barns were part of a land included within applications for an agricultural workers dwelling, most recently in 2003 and 2004, both of which were refused due to lack of functional need. To the rear of the site, an application was approved for the

Conversion extension and alterations to barn and stables to dwelling. Erection of garage in 2004.

CONSULTATIONS: Essex County Council Highways and Transportation: Comments to be verbally reported at the meeting.

Essex Bat Group: We consider that the methodology used in the bat consultant's survey is adequate for these buildings and we are satisfied with the conclusions drawn by the consultant: that the development would not affect a known bat roost. The surrounding habitats are highly suitable for foraging bats.

English Nature: Satisfied that the development proposals will not affect a bat roost.

UDC Environmental Services: No objections to principle of using barns for storage or offices. B1 category use would be acceptable. However concerns over use of barns for construction/woodworking operations using machinery etc due to potential noise nuisance being created and affecting nearby residential premises to the rear of the site.

PARISH COUNCIL COMMENTS: Langley Parish Council: No objection in principal to the above planning application. However, given that the proposed industrial site lies close to the Village Green which forms the core of Langley Upper Green the Council desired that there be certain restrictions on the use of this site. In particular it was agreed that there should be a restriction on noise outside normal office hours. To be precise that there be no deliveries in or out of the site before the hours of 08.00 and after 17.00 on week days and no deliveries at all in or out of the site at weekends. In addition the sound from industrial processes should not be heard outside the site except on weekdays between the hours of 08.00 and 17.00. No external lighting should be present on the site except between the hours of 08.00 and 18.00, i.e. during and just after working hours and that there be no external storage on the site at any time.

REPRESENTATIONS: The application was advertised with both press and site notices. Six neighbours were notified of the proposed development. Advertisement expired 21 July 2005. Seven letters have been received to date.

Summary of comments: - I oppose the development on grounds of increased traffic along the small single track country roads that are not conducive to increased traffic of an industrial nature. I also oppose the development on grounds of increased noise created by industrial joinery machines that would shatter the peace of the area. The proposal does not accord with policy. The existing site produces very little in the way of noise and even though the applicant suggests that soundproofing would take place, they do not indicate the decibel output level. Traffic movements into and out of the site each day, especially 40 staff vehicle movements would be a significant increase on the current traffic movements in Langley Upper Green. The examples or precedents quoted by the applicant are not relevant as no major industrial use is being carried out on Brices Farm. The proposed long working hours on this site would be intolerable and would result in nuisance to neighbours and residents of this small village. The proposal is contrary to PPS7. The proposal will completely change the rural nature of the site. Despite assurances of sound-proofing, in warm weather when occupants of the neighbouring houses will be opening their windows for ventilation, is it realistic to suppose that the applicant will be keeping all of the doors and windows shut on site to ensure minimum noise disturbance? The proposed use is far more appropriate on an industrial estate with better transport links and such noise as will be created could be tolerated. To allow such development within this rural environment would be creating a dangerous precedent for conversion of other redundant farm buildings across the district. At the time when most employees would be arriving on site, most residents would be leaving to go to work or take the children to school. This would create traffic conflict along the narrow lanes to the detriment of highway safety.

Dust filters and extractors would create additional noise in addition to the noise of saws and other equipment. The large increase in the number of heavy goods vehicles as a result of

this proposal would be unacceptable and would result in most vehicles having to pass through Upper Green. Hours of operation, particularly on a Saturday are not acceptable from a residential amenity perspective. The proposal would not provide significant employment opportunities to the village.

PLANNING CONSIDERATIONS: The main issues are whether: -

- 1) **the principle of the development is acceptable on this rural site (PPS 7, ERSP POLICY CS1, CS2, CS3, CS4, CS5, C5, HC3, BIW3, RE2, and T3, Uttlesford Local Plan Policy S7, GEN1, GEN2, GEN8, E4, E5 and ENV2);**
- 2) **the impact of the development on highway network would be acceptable and comply with the principles of sustainability (PPS 7, ERSP Policies T3, T12, Uttlesford Local Plan Policy GEN1, GEN8, E4 and E5),**
- 3) **the proposed development would cause material harm or disturbance to surrounding dwellings beyond the site (ERSP Policy CS4, C5, RE1, RE2, Uttlesford Local Plan Policy GEN2, GEN4, E4, E5);**
- 4) **the development would have an adverse impact on the character and appearance of the countryside (PPS 7, ERSP Policies C5, Uttlesford Local Plan Policy S7),**
- 5) **the design of the proposed development is acceptable and the buildings are suitably constructed for their intended purposes (PPS7, ERSP Policies HC3, Uttlesford Local Plan Policies GEN2, ENV2) and**
- 6) **there are any other material considerations.**

1) **Principle** - The principle of development on this site needs to be considered within the context of policy basis, that being in this case, Central Government Guidance contained within PPS 7: Sustainable Development in Rural Areas, Structure Plan guidance contained in ERSP (Policies C5, RE1, RE2) and local guidance in the form of Uttlesford Local Plan, most notably policies S7, E4 and E5.

PPS 7, places a strong emphasis on the principles of **sustainability** whilst seeking to raise the quality of life and the environment in rural areas through the promotion of thriving, inclusive and sustainable rural communities, ensuring people have decent places to live by improving the quality and sustainability of local environments and neighbourhoods; sustainable economic growth and diversification; good quality, sustainable development that respects and, where possible, enhances local distinctiveness and the intrinsic qualities of the countryside; and continued protection of the open countryside for the benefit of all, with the highest level of protection for our most valued landscapes and environmental resources.

PPS7 also seeks to promote more sustainable patterns of development by focusing most development in, or next to, existing towns and villages; preventing urban sprawl; discouraging the development of 'greenfield' land, and, where such land must be used, ensuring it is not used wastefully; promoting a range of uses to maximise the potential benefits of the countryside fringing urban areas; and providing appropriate leisure opportunities to enable urban and rural dwellers to enjoy the wider countryside.

The key principles of PPS7 state that good quality, carefully-sited accessible development within existing towns and villages should be allowed where it benefits the local economy and/or community, maintains or enhances the local environment; and does not conflict with other planning policies.

Accessibility should be a key consideration in all development decisions. Most developments which are likely to generate large numbers of trips should be located in or next to towns or other service centres that are accessible by public transport, walking and cycling, in line with the policies set out in *PPG13, Transport*. Decisions on the location of other developments in

rural areas should, where possible, give people the greatest opportunity to access them by public transport, walking and cycling, consistent with achieving the primary purpose of the development. New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled; the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all.

Priority should be given to the re-use of previously-developed ('brownfield') sites in preference to the development of greenfield sites, except in cases where there are no brownfield sites available, or these brownfield sites perform so poorly in terms of sustainability considerations (for example, in their remoteness from settlements and services) in comparison with greenfield sites.

All development in rural areas should be well-designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.

Essex Replacement Structure Plan Policy C5 focuses on rural areas and states that the countryside will be protected for its own sake, which includes its recreational value. This will be achieved by the restriction of new uses to those appropriate to a rural area required to support agriculture, forestry or other rural uses. Development should be well related to existing patterns of development and of a scale, siting and design sympathetic to the rural landscape character.

Uttlesford Local Plan Policy S7 again repeats the aims of the Structure Plan Policy C5 by protecting the countryside for its own sake and only allowing development that needs to take place there, or is appropriate to a rural area.

Members will no doubt be aware that, although the Uttlesford Local Plan was adopted on 20 January, this was developed in accordance with the older PPG7. Clearly the arrival of PPS 7 and its clear emphasis on the principles of sustainability mean that this document must be given significant weight over and above the recently adopted Local Plan when determining this application.

In terms of this application, it is the opinion of officers that whilst PPS7 would clearly support the principle of appropriate agricultural diversification, the use of former agricultural buildings for non-agricultural, i.e. industrial and commercial purposes needs to be carefully considered with regard to its impact on the local highway network, any adverse impacts to surrounding neighbours or the character and appearance of the countryside. Most importantly, it needs to be commensurate with the Government's sustainability objectives and meet the sequential tests with regard to the location of employment uses.

2) **Impact of the development on highway network** - PPS 7 has clearly established a strong emphasis towards the principles of sustainability. Access to the site in terms of location and associated highways arrangements form a fundamental part of this sustainability principle. The application site is located away from development limits on the rural road network. Langley Upper Green is located almost centrally between the B1038 - Newport to Buntingford road and the B1039 Wicken Bonhunt to Royston road with all access to reach the site required via country lanes, some of which are very narrow and single width in places.

According to the applicant's submitted details, there would be thirteen employees on the site. This would theoretically generate thirteen staff trips into and out of the site each day (26 in total) notwithstanding any additional trips to visit clients or clients visiting the site or indeed

trips at lunchtime by staff etc. The staff movements could therefore well exceed 26 per day on a regular basis.

The applicants have enclosed a plan showing the location of where staff currently working at the Furneaux Pelham site live. This plan shows fourteen staff, six of which are based in Langley, one in Clavering, one in East End (East Herts), one in Barley Croft End (East Herts), one in Littlebury, one in Saffron Walden, two in Thaxted and one in Bishops Stortford. Given the site's location away from established settlements, it is reasonable to suggest that access to the site by means other than the private motor car would be extremely limited unless employees actually lived in Langley Upper Green itself. That said, there are limited bus services available to Langley but their infrequency and journey length would preclude most employees from getting to the site by this method. Whilst six employees currently live in Langley and could theoretically walk or cycle to the site, more than half do not and this further highlights the fact that the proposal is unsustainable. Over the life cycle of the business it is highly likely that people may leave and new or additional staff required. It certainly could not be guaranteed that the employer would necessarily employ local people particularly as the threshold population of the village is very small and this could further increase employee trip lengths to the site, especially by car.

From an employment perspective, use of this site would not meet with policy aims of achieving sustainable development.

Comments from Essex County Council Highways are still awaited and will be verbally reported at the meeting. However, the primary concern from the District Planning Authority with regard to road safety centres on whether the size and number of vehicles entering the site is compatible with the surrounding rural road network.

With regard to delivery trips into and out of the site, as part of their sustainability appraisal and traffic impact assessment report, the applicants have given an indication of likely figures. The report indicates at least:

- three deliveries and dispatches on a weekly basis using 7-ton (1) and 10-ton (2) lorries,
- two deliveries and dispatches on a four-weekly basis using 20-ton (1) and 7-ton (1) lorries,
- one delivery on a six-weekly basis using a 20-ton lorry,
- two deliveries on an eight-weekly basis using 20-ton lorries, and
- one delivery on a twelve weekly basis using 10-ton lorries.

Over a 24 week period this would result in 192 goods vehicle movements (96 vehicles) with an average vehicle weight of 10.7 tonnes. Although this may only represent an average or minimum of four individual vehicles visiting the site per week, depending on the timing of deliveries, there could be up to eight vehicles in any one week and the overall figure is totally dependent on the operation and control of deliveries and dispatches by the applicant. Spreading of vehicles over the week may reduce this figure to less than one vehicle per day. The applicant has not included figures relating to service vehicles delivering office supplies, any food and drink etc nor accounted for cleaners etc and this would obviously increase the above figures.

Taking into account the average employee vehicle trips per week (156) and add them to the goods vehicles (8), there would be 164 vehicle movements per week to and from the site. This figure is well above the existing flow of vehicles entering and leaving the site in connection with the former agricultural use and would generate vehicle flows on a regular, frequent basis rather than seasonal traffic associated with agricultural use. In terms of weights in and out of the site, the quoted figures indicate 2231 tonnes and this would

represent a reduction of 1269 tonnes compared with the earlier estimated 3,500 tonnes of agricultural grain removed from the dryers and silos. The applicant is keen to emphasise this reduction in weight but this figure may well be misleading, particularly as the actual number of vehicles on the rural road network would increase as a result of this proposal. This fact cannot be ignored and with average 10-ton vehicles having a width of at least 2.2m, length of no less than 6m, the sizeable presence of additional larger vehicles would create dangers to other road users on the twisting narrow lanes around Langley Upper Green. Indeed, less than 60m from the entrance to the site, the road narrows considerably and there would be conflict with other road users. In traveling north towards the B1039, vehicles would travel along protected lanes and roads with special verges. Conflict between oncoming vehicles may force traffic onto these verges hence damaging them to the detriment of biodiversity.

It is the opinion of Officers that the proposed development would significantly increase vehicular movement on the rural road network to the detriment of highway safety and would represent a wholly unsustainable form of development.

3) Any material harm or disturbance to surrounding dwellings beyond the site -
Given the potential material increase in traffic associated with the proposed development, one also has to consider the impact on adjoining neighbours or businesses outside of the site and indeed whether there would be any other adverse impacts caused by the industrial processes proposed to be carried out on the site. The impact on the highway road network was considered above and certainly the presence of additional traffic would generate noise and disturbance to residents on routes to the B1039 to the North and B1038 to the South. Comments from neighbours have expressed concern about noise emanating from the site by virtue of the industrial processes that would take place. The primary industrial process would be the machining of wood and associated activities along with noise from extraction and dust filtering equipment. Whilst the applicant has made clear their intentions to fully sound insulate the buildings, neighbours have made extremely valid points about noise emanating from the site in the summer when employees may wish to have windows and doors open to cool the buildings down. It is at this time when most local residents would also have their windows and doors open and this would increase the potential for noise disturbance to local residents taking place.

The nearest neighbours to the proposed development would be those at Grange Farm, both the Grade II listed dwelling and the curtilage listed barn, which has a valid permission to be converted into a dwelling but which has yet to be implemented. This barn is no less than 10m away from the rear of the application site buildings and it is this fact that has caused greatest concern to Environmental Health under Statutory Nuisance Legislation. When permission was granted for the adjacent barn conversion, the issue of noise from the then active agricultural barns was a primary concern and was indeed a reason for refusal of an earlier application. One therefore cannot ignore the potential conflict between these two differing uses, particularly as the barns under the proposed application would be occupied on a frequent and regular basis for industrial uses rather than seasonal patterns of intensive use.

Officers are therefore extremely concerned at the relationship between the proposed use and adjacent existing and proposed residential units. The close relationship and the potential for noise disturbance would, by default, create the circumstances for a statutory nuisance to occur. This would be both unfair on the occupiers of the residential unit and would also create unacceptable pressure on the proposed business to minimise noise disturbance, which cannot guarantee to be achieved and is therefore contrary to Uttlesford Local Plan Policy GEN4.

4) The character and appearance of the surrounding countryside is heavily influenced by agricultural activities and operations. This is characterised by the presence of older

historical barns as well as more modern and larger barns. The application site is a classic example of a modern farm, once part of Grange Farm, but which has been sold away. The barns are by no means aesthetically pleasing but reflect the type of structures one might reasonably expect to find in the working countryside. The applicants state that the barns are redundant for farming purposes. No evidence has been submitted confirming that this is necessarily the case and their redundancy may well be the result of a farm operational decision. Nonetheless, the proposed development would see extensive external and internal alterations to the existing barns with new claddings etc. Whilst the alterations may represent physical and aesthetic improvements to the existing buildings, the character and appearance of the site would materially change and, because of the additional vehicular movements along country roads and associated frequent and regular un-seasonal noise, the proposal is considered to be harmful to the character and appearance of the countryside and is not a use that needs to take place in the countryside.

5) Paragraph 17 of PPS 7 - Sustainable Development in Rural Areas, states "The Government's policy is to support the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives." Uttlesford Local Plan Policy E5 also considers the re-use of rural buildings, one of the criteria being that they are capable of conversion without major reconstruction or significant extension. Whilst it has already been considered that the application site is not appropriately located for the proposed use from a sustainability perspective, one also has to consider whether the existing agricultural buildings are suitably constructed for their proposed use. In their supporting statement, the applicant's have clearly stated that, in order to minimise noise from the site, they would soundproof all production buildings to a very high standard (concrete walls, insulation and cladding). Given the need to make these changes, this would clearly suggest that the existing buildings are not suitably constructed for industrial uses without causing demonstrable harm to adjacent neighbours through the passage of sound etc. The proposal would therefore be contrary to central government aims as well as being contrary to Uttlesford Local Plan E4. Officers therefore cannot provide support to a scheme requiring major changes to the fabric of the buildings as proposed.

6) Whilst officers acknowledge that the applicants have made every effort to try and justify their proposal, the scheme is fundamentally flawed in terms of sustainability and there are no material circumstances to override clear policy guidance in this instance. The applicants have cited other examples of barn conversions in the locality but none of these are of a scale or size comparable with the proposal submitted here for consideration. The applicants have suggested that the use in its proposed location at Grange Farm would be far more sustainable than locating to a business park in Saffron Walden, Royston or Bishops Stortford. Whilst this may be true with regard to the existing staff, this comparison ignores trips made by heavy goods vehicles and service vehicles etc, which would be far greater to this fairly isolated part of the district. When one takes into consideration the presence of heavy goods traffic on the rural road network, highway safety implications, damage to special verges, additional noise and material harm to the character and appearance of the countryside, the proposed use of the site would be materially damaging to the area with very limited benefit or contribution towards creating a thriving, sustainable community as the applicant suggests.

CONCLUSIONS: The proposed development has been carefully considered against National, Structure and Local Plan guidance and policies. The failure of the proposal to comply with sustainability objectives clearly laid down in PPS7, by virtue of the sites isolated location well away from established development limits and the heavy dependence on the private motor vehicle coupled with the fact that the existing buildings are not suitably constructed for industrial uses without the need for major reconstruction, suggest that there

can be no policy support for the proposed development. Added to this, the fact that the building is close to existing residential dwellings would give rise to material harm to local amenity by virtue of noise etc. Furthermore, the significant increase in the presence of vehicles on narrow country lanes would present a danger to highway safety and the potential of conflicting vehicles causing damage to specially recognised and protected lanes would add further weight to the fact that the scheme should be refused.

RECOMMENDATION: REFUSAL REASONS:

It is the policy of Central Government PPS7, ERSP (Policy CS1, CS2, CS3, CS4, CS5, C5, HC3, BIW3, RE2, T3, T12), Uttlesford Local Plan (Policy S7, GEN1, GEN2, GEN4 GEN8, E4, E5, ENV2)) to ensure that proposed development in the countryside is appropriately located and of a size commensurate with the sustainable rural development principles clearly identified in PPS7. Furthermore, such development should not have an adverse impact on adjacent properties nor increase the potential for highway dangers on the rural road network nor be potentially damaging to specially recognised biodiversity sites.

In this instance, the applicant wishes convert an agricultural building for industrial use well away from established settlement limits on an isolated site accessible only along narrow country lanes. The proposal would be heavily reliant on the private motor vehicle due to the lack of alternative transport means including both staff and goods movement into and out of the site and is therefore considered to be unsustainable in accordance with PPS7. The presence of additional vehicles on the twisting and narrow rural road network, many of which would be large heavy goods vehicles, would increase the potential for traffic conflict to the detriment of highway safety.

The increased potential for traffic conflict would also raise the probability of vehicles driving onto verges either side of the road in order to enable larger vehicles to pass. This would be clearly damaging to the special verges identified on the roads north of the site to the B1039, adversely affecting local biodiversity, contrary to Local Plan Policy ENV8.

With regard to the proposed use of the barns, it has been identified that the buildings are not suitably constructed for industrial use without major alterations. These major alterations have been acknowledged by the applicant as being necessary to prevent noise spillage from the site onto adjacent residential properties. The proposal therefore fails to meet with the policy criteria relating to the re-use of rural buildings.

Noise from the site, particularly during the summer months when windows and doors are likely to be open, would also have a detrimental impact on the residential amenity of neighbouring properties.

The proposed industrial use would be incongruous with the rural character and appearance of the countryside and would create a long-term frequent commercial use on the site compared with the seasonal agricultural use that existing more recently until the barns became redundant.

The proposal involves the construction of a substantial office building in an area where new development is strictly controlled. Policy support for commercial activity in the countryside can only relate to the re-use of appropriate existing buildings, and there is no justification for the construction of a new building for such purposes.

For the above reasons, the proposed development is contrary to adopted development plans and there are no material circumstances that would support a departure from policy in this instance.

Background papers: see application file.

UTT/0895/05/DFO – TAKELEY

Submission of particulars for airport related carhire business, including car parking area and ancillary office - details following outline UTT/1150/80 dated 5th June 1985

Land adj to Dormers Mill End. GR/TL 558-233. Barr Trust.

Case Officer: Mr M Ranner 01799 510556

Expiry Date: 28/07/2005

ODPM classification: Minor application

NOTATION: Outside of development limits/Countryside Protection Zone.

DESCRIPTION OF SITE: The site is located adjacent to but outside of the southern boundary to Stansted Airport to the north of Takeley. It comprises a triangular shaped plot of grassland that is bordered by hedgerows and trees, except for the southern boundary fronting the road as this is relatively open allowing views into the site. A residential property known as the 'Dormers' abuts the sites eastern boundary and farm buildings are located directly to the south on the opposite side of the road.

DESCRIPTION OF PROPOSAL: The applicants seek approval of reserved matters pursuant to outline permission UTT/1150/80, for the expansion of Stansted Airport. Condition 8 of this permission allowed for the submission of reserved matters within an extended period of 20 years. The applicants contend that the provision of an airport related car hire business constitutes 'associated facilities' as permitted by the outline permission. Details include a single L- shaped building sited centrally within the site occupying a footprint of approximately 225m². It is of simple pitched roof design, ranging in height from 6 to 7.6 metres and will provide a reception, office, mess room, W/C, vehicle cleaning and separate vehicle preparation areas. A collection/return area consisting of 20 parking spaces and associated turning area is to be located to the front of the building facing the road. To the rear and side of the building the remainder of the site will comprise of a compound enclosed by security fencing, which will provide a storage area for vehicles. Direct access to the highway is shown sited centrally on the southern boundary of the site and planting is proposed either side of the access and along the southern boundary.

APPLICANT'S CASE: A detailed supporting letter from the applicant's agents accompanies the application. This is contained on the file, a copy of which can be inspected at the Council Offices, London Road, Saffron Walden.

RELEVANT HISTORY: The original outline planning permission for airport expansion was granted permission subject to UTT/1150/80. The site area for this application included the site subject to this application. Following this in 1992, the site was subject to a specific detailed application for the erection of new buildings and use of the land for airport related car parking and ancillary offices (UTT/1432/92/FUL). This was refused on 1st April 1993.

CONSULTATIONS: English Nature: has responded to consultation but wish to make no comments.

The Councils Drainage Engineer comments that: "The application states that surface water disposal is to be to soakaway, which is the preferred option. Any change to this proposal should be submitted as a revision. Soakaways from the car park area may require petrol interception.

Thames Water: does not raise any objections with regard to the sewerage infrastructure.

Essex County Council: make the following comments concerning archaeology:-

"The proposed development lies adjacent to the site of a known windmill site. Archaeological excavation has shown that complexes of buildings are frequently associated with these mill

structures. The position of High House and the ponds within the development area indicates the potential of medieval occupation in the area. It is recommended that a full archaeological condition be attached to any planning consent for this site. This should state:

No development, or preliminary groundwork's, of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work and recording in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority."

The Essex County Council Highways Authority: raises an objection to the application for the following reason:

"There is insufficient information on the expected traffic flows generated as a result of this application and subsequent traffic impact on the surrounding highway network in order to determine the application."

BAA Stansted: raise objections to the application on the following basis:

"You will no doubt recall that in 1992 a similar application was submitted by the applicant (planning ref UTT/1432/92/FUL). During consideration of the 1992 proposal it was acknowledged that the site was included in the original outline permission for airport expansion (planning ref UTT/1150/80). As such the proposal was found to be a valid reserved matters application pursuant to the Secretary of State's 1985 approval. Nonetheless it was also established that the site was withdrawn from the 1980 Stansted Airport – London Compulsory Purchase Order by mutual agreement between STAL and the Landowner. As a consequence of this withdrawal the site was not included in the approved general layout and landscape master plan for the airport and was therefore effectively segregated from the airport environs. STAL submitted a letter, dated 19 January 1993, detailing our concerns in respect of the proposed development including highway safety and the detrimental impact on the approved perimeter-landscaping scheme. Subsequently the application was refused by UDC.

UDC's Local Plan: adopted 2005, shows the site of the current proposed development to be outside the airport boundary and within the designated countryside protection zone. Clearly any development associated with the airport at this location would be contrary to UDC Local Plan Policy S4 'Stansted Airport Boundary' and we are not aware of any justification, in these circumstances, for the application to be allowed."

BAA 'Safeguarding:', has commented that from an aerodrome safeguarding perspective, the proposed development could conflict with safeguarding criteria unless a condition is imposed on any planning permission. This pertains to a condition concerning the use of appropriate soft landscaping in order not to encourage birds and avoid endangering the safe operation of aircraft. Advice is also given concerning the use of cranes on site and possible implications for the site due to possible future expansion of the airport.

PARISH COUNCIL COMMENTS: Birchanger Parish Council have made the following comments:

"Our objection is that this business is Airport related car hire which is encroaching into land off of the airport. We further assume that part of the parking will be used for off-airport parking of passengers, which is against the agreements in place with the BAA. We are concerned that if this business is allowed as stated it will set a precedent for other Airport related industry."

Stansted Parish Council makes no comment.

Takeley Parish Council have made the following comments:

"The proposal has been given a DFO class which suggests that outline planning permission has been given. This is not believed to be the case. However an identical application was submitted in 1992 and subsequently refused in 1993 by UDC. At that time the basic reasons for refusal were:

- All development directly related to, or associated with, the airport is to be located on the Stansted Airport site.
- The erection of new buildings and formation of hardened parking and compound areas for commercial purposes would detract from the character of the countryside and prejudicial to the areas of approved airport-landscaping schemes.
- Agreement would set an undesirable precedent for similar developments, it would either by itself or cumulatively erode the character of the countryside in this area.
- The nature and volume of traffic is likely to generate traffic hazards etc, it would lead to intensification of use of an access on a stretch of narrow highway intended to carry traffic freely between centres of population. Slowing and turning manoeuvres of vehicles entering/leaving would lead to conflict and interfere with the flow of traffic.

Whilst there have been substantial changes to Stansted since 1993 the above justifications for refusal should still apply and protect the local countryside, character and road safety. Furthermore, across the road from the proposed site is a Montessori Nursery School. At certain times of day manoeuvring of traffic to and from both sites would be extremely dangerous and hazardous. TPC Object for the above reasons.”

REPRESENTATIONS: Nearby properties have been notified by individual letters. No responses have been received (due by 29/06/2005).

PLANNING CONSIDERATIONS: The main issues for consideration in this case are: -

- 1) **Whether the proposed development is appropriate in this location, taking into account the Local Plan designation for the site, and the provisions of the outline permission (UTT/1150/80),**
- 2) **The likely impact of the proposed development on the rural character and appearance of the locality,**
- 3) **Traffic generation and highway safety and**
- 4) **Other matters of material importance.**

Policies S4 (Stansted Airport Boundary), S8 (The Countryside Protection Zone), T3 (Car Parking Associated with Development at Stansted) and GEN1 (Access) are of particular relevance to this application.

1) It is acknowledged by officers that the site subject to this application benefits from outline permission for airport expansion pursuant to permission ref: UTT/1150/80, as the site was formally included within the original red-edged site that was approved by the Secretary of State in 1985. However, no reserved matters were submitted within five years as required on this phase 1 land and, in your officers opinion therefore, the outline permission has lapsed as far as this site is concerned. Even if this were not the case, there is no presumption in favour of the erection of new buildings on this site, as circumstances have materially changed since the granting of outline permission such that the site cannot now be regarded as being located within the airport boundaries. This exclusion of the site from the airport came about by mutual agreement between the owner of the land and Stansted Airport Limited to withdraw from the Stansted Airport – London Compulsory Purchase (no.1) Order 1980 (CPO). This removal of the site from the CPO signalled that it would be excluded from development proposals associated with UTT/1150/80. Also of importance is that the land subject to this application was included in the original airport development proposals as part of a landscaping belt between the public road and the terminal complex and was not shown as a developed car hire facility. No link can be demonstrated therefore between the proposed development and the original development proposals.

Within the Adopted Local Plan the site is located outside of the airport boundaries and within the Countryside protection zone. Policy S4 dictates that development directly related to or associated with Stansted Airport be located within the boundaries of the airport. Policy S8 dictates that within the countryside protection zone, planning permission will only be granted for development that is required to be there, or is appropriate to a rural area. There will be a strict control on new development and in particular, development will not be permitted if new buildings or uses would promote coalescence between the airport and existing development in the surrounding countryside or it would adversely affect the open characteristics of the zone. The proposed development fails to comply with policy in these respects. As already established the development, which is airport related, falls outside of the airport boundary. It will also result in built form being introduced onto an open undeveloped piece of land, which lies close to existing sporadic development located to the east and south of the site. As a consequence the development would, if permitted, adversely affect the open characteristics of the site and the zone in general and would undoubtedly promote coalescence between the airport and existing development.

The proposal also fails to comply with policy T3, which dictates that all car parking associated with any use at Stansted Airport should be located within the Airport boundaries. This policy aims to protect the character of the villages and countryside around Stansted, maximise the percentage of non transfer air passengers using public transport to get to or from the airport and ensure the effectiveness of the airport surface access strategy agreed by the multi agency airport area transport forum.

2) With regard to the visual impact of the proposed development, Officers consider that the provision of a building, in addition to hard surfacing, security fencing and resultant vehicle storage on this open, undeveloped site, will inevitably adversely affect the open and rural characteristics of the site and the locality in general. The presence of nearby existing development in close proximity to the site will also mean that the development of the site is likely to promote coalescence between the airport and existing development in the surrounding countryside, to the further detriment to the rural character of the area. It is also considered that the development will be prejudicial to the area of planting located immediately adjacent to the northern boundary of the site, which forms part of the approved airport-landscaping scheme.

3) Turning to traffic generation and highway safety, in response to consultation, Essex County Council (the highway authority) have raised an objection to the application and recommend it be refused. This is on the basis that insufficient information has been submitted with the application on the traffic flows likely to be generated by the development and subsequent traffic impact on the surrounding highway network in order to determine the application. It is also of note that the previous application pertaining to the site (UTT/1432/92/FUL), which also proposed airport related parking, was refused partly on highway safety grounds. This application proposed to utilise the existing access on the southern boundary of the site as proposed by this current application. In light of specialist advice, officers consider that no material changes have occurred since the previous refusal to satisfy the Council that the proposed development would be acceptable on highway safety grounds. Officers consider that the likely traffic movements associated with such a use, particularly the slowing and turning manoeuvres of vehicles entering and leaving the site would conflict and interfere with the free and safe flow of traffic on the highway. In this respect the proposed development fails to comply with relevant local plan policy GEN1.

4) Other matters, which include the impacts of the proposed development on the archaeology of the site, ecology, and sewerage infrastructure are considered acceptable, subject to the imposition of appropriately worded conditions. These matters do not however outweigh the harm caused by the development with regard to its visual impact on the rural character/appearance of the locality and the highway implications that would likely arise.

CONCLUSIONS: The proposed development constitutes inappropriate development within the Countryside Protection Zone and if permitted it would harm the natural appearance and rural character of the locality. The traffic likely to be generated by the development is also likely to give rise to traffic hazards to the detriment of highway safety and insufficient justification has been provided in this case to warrant a decision contrary to the aforementioned policies.

RECOMMENDATION: REFUSE

1. The site is located within the Countryside Protection Zone as defined in the adopted Local Plan, wherein new buildings and uses which promote coalescence between the airport and existing development in the surrounding countryside, or which would adversely affect the open characteristics of the zone will not be permitted. The proposed development would be prejudicial to this policy, set out at S8 in the adopted Local Plan.
2. Policies S4 and T3 of the adopted Local Plan dictate respectively that provision is made for development directly related to or associated within Stansted Airport to be located within the boundaries of the airport and that all car parking associated with any use at the airport be located within the airport boundaries. Since outline planning permission was granted for airport expansion (UTT/1150/80) in 1985, there has been a material change in circumstances such that the site can now be properly regarded as lying beyond the airport boundary. The use of the site for an airport related car hire business would accordingly be contrary to both the aforementioned policies.
3. Approval of these reserved matters would not be in accordance with the general airport layout and landscape master plans. Although located within the outline application site, the land was allocated only as part of the landscape buffer zone on the original illustrative layout plan (document BAA130C) considered at the inquiry. On subsequent approved plans, including the landscape master plan, the site has been excluded from forming part of the airport development, and is now located beyond the perimeter landscaping belt. The erection of a new building and the formation of hardened car parking and compound areas for commercial purposes on the site would detract from the character of the countryside prejudicial to the areas of the approved airport landscaping scheme, contrary to adopted Local Plan Policies S4, S8 and T3.
4. In the absence of any detailed information submitted by the applicant, concerning expected traffic flows likely to be generated by the proposed development, the Council considers that the proposal is likely to give rise to additional traffic hazards by reason of vehicles slowing down, turning into and out of the site and standing on the highway, thereby impeding the free flow of traffic and causing danger and obstruction to other road users. It would thereby be contrary to policy GEN1 of the adopted Local Plan.

Background papers: see application file.

UTT/0988/05/FUL - SAFFRON WALDEN

(Referred by Cllr Bayley)

Erection of five houses
Pinewood Debden Road. GR/TL 537-378. Echo's Ltd.
Case Officer: Mr T Morton 01799 510654
Expiry Date: 19/08/2005
ODPM classification: Minor application

NOTATION: Within Development Limit.

DESCRIPTION OF SITE: The site stands on the infilled cutting of the former railway line and currently has a single bungalow standing on the plot. To the north side are high density terraced houses in Stephen Neville Court, somewhat downhill, and to the south is Bridge Bungalow, a site with planning permission for the development of two houses. To the west are the rear gardens of houses in Boyton Acres. Access to the site is via an unadopted roadway to Debden Road, which is shared by several of the backland sites. Mature trees run along the north boundary and at the west end of the site is a mature sycamore that adds considerable landscape value to the area.

DESCRIPTION OF PROPOSAL: Demolition of the bungalow and development of five two-storey houses in a terrace of three houses and a terrace of two houses facing each other across a central courtyard. Parking is provided in a separate yard close to the site entrance.

APPLICANT'S CASE: The development has been designed in discussion and with advice from the Local Planning Authority. The houses are modest in size and will be constructed of gault brick with red brick arches. Parking for 10 cars is provided adjacent to the parking area of Stephen Nevill Court, with the central court intended for loading or unloading. The majority of the trees on the north boundary are retained, as is the sycamore at the west of the site, and an Ash on the southern boundary.

CONSULTATIONS: Landscape Officer: There are no individual trees on the site worthy of a Tree Preservation Order, but the trees on the north boundary have an amenity value worthy of being retained in the scheme.

Essex County Council archaeological advice: The proposal lies adjacent to the old railway line and is unlikely to impact on any known archaeological deposits. No archaeological recommendations are made on the proposal.

Essex County Council Highways: At the time of writing the County have recommended refusal. This appears to be inconsistent with their earlier acceptance of the access for additional development of the Bridge Cottage site. Clarification is being sought.

TOWN COUNCIL COMMENTS No objection is made.

REPRESENTATIONS: Consultation period expires on 18 July 2005.

Four representations have been received, raising a number of concerns in common. The issues that are raised are;

Concern at the type of fence to be provided to the adjoining house at 4 Boytons Acre.

Ensure the sycamore is not felled.

The development will involve a loss of privacy to the garden and rear facing bedrooms of 4 Boytons Acre.

The development would substantially increase traffic in the lane with dangerous turning to Debden Road. Only a maximum of 5 houses is allowed to use a private drive.

The open car park will cause disturbance to The Paddock facing the bedroom window. The rights of access to the site are disputed.

The Council should keep the character of Saffron Walden and the mix of large and small properties in the area, to extend the density of Stephen Neville Court would adversely impact on the character of the area and destroy a quiet backwater.

Disturbance from construction work.

COMMENTS ON REPRESENTATIONS: The issues raised are understood, and these are discussed further in the sections that follow.

PLANNING CONSIDERATIONS: The main issues are

- 1) **Principle of development (ERSP Policy CS1, & ULP Policies H3, H4);**
- 2) **Amenity of adjoining occupiers (ULP Policy GEN2);**
- 3) **Parking, highways and traffic issues (ERSP Policy T3. & ULP Policy GEN1);.**
- 4) **Design (ULP Policy GEN2) and**
- 5) **Other material planning considerations.**

1) The land is located within the Development Limit of Saffron Walden, and in principle development would be considered acceptable, subject to compliance with the character of the setting and protecting the amenities of adjoining occupiers, and normal planning standards. Advice in PPG3 supports the principle of making better use of land within towns to meet housing needs, but makes it clear that the government's aim is to make the best use of previously developed land *and* improve the quality and attractiveness of residential areas; designs should not compromise the quality of the environment.

The site is located in a sustainable position, with access possible on foot to the town centre shops and services.

Policy H4 addresses development of land that has no road frontage, and strikes a positive attitude where more effective use is made of land, where there would be no material overlooking or overshadowing of nearby properties, would not have an overbearing effect, and where access would not cause disturbance to nearby properties.

The issues and problems with development of backland sites such as this are that the development can potentially introduce noise and disturbance to a tranquil area. Unlike many backland proposals however, the site is already served by an access road, albeit unadopted and unsurfaced, serving two houses, (The Paddock and Bridge Bungalow), as well as providing rear access to houses in Borough Lane. The rights of use of this are disputed, but as such that is not material to planning. If a satisfactory access could be physically provided, other legal issues have to be addressed separately through whatever mechanism is appropriate. The access has served the rear of properties in Borough Lane for vehicles, and two houses as well as the application site itself. Vehicle movements here would not be a new phenomenon, but obviously the intensity of use would rise along the first section of the road from Debden Road to the entrance to the application site. (see section 3 below)

Other constraints on the development of the site are posed by the surrounding pattern of development.

2) The site lies between surrounding houses, which currently have the benefit of the mature landscaped area that is the subject of the application as the backdrop to their gardens. The trees on the site add landscape character to the area, but apart from those that would stand between the end of the new terraces and the terraces in Stephen Neville Court, all significant trees are retained, offering screening and protecting the amenity of adjoining properties.

The impact on the amenity of the existing surrounding houses from the occupation of new dwellings in this backland position, is a material issue. Placing the terraces in line with those in Stephen Neville Court minimises any impact upon that development. On the western boundary the proposal places gardens adjacent to the garden of 4 Boytons Acres, with the house placed at right angles so that there is no facing window-to-window view. There is an objection from the occupiers of that house, but their windows will not be overlooked, and although their garden will be overlooked, it is already overlooked from other existing properties, principally 3 Boytons Acre. On the south side, the site of Bridge Bungalow is set slightly higher up the hill, and permission exists for two replacement houses here. The adjacent house within that proposal was designed to minimise windows overlooking Pinewood, and that design also minimises any potential impact from this development towards that new house, which will stand beside the proposed central courtyard square. Some disturbance from vehicle noise might occur, but it is proposed to condition use of this area for deliveries only and not for everyday parking.

3) The existing access has been an unsurfaced track adjacent to the parapet of the old railway bridge on Debden Road, with a grass verge on the north side of the surfacing. That verge is owned in conjunction with the application site, and it is claimed that the site also has the benefit of access rights over the surfaced track. In dealing with an earlier application for development of two houses on the site of Bridge Bungalow, the Highway Authority required the access to be improved by the removal of the projecting section of the railway bridge wall in front of the grass verge, and this would leave an opening of 5.8m width at the junction with Debden Road, widening out rearwards from this. This would be wide enough to meet the design width requirements for a Type 6 Minor Access Way or Type 7 Mews. If permission is granted it should be subject to a condition requiring the access track to be made up to full adoptable standard prior to commencement of the development.

The principal parking provision has been kept close to the front of the site, to avoid the penetration of vehicles into the depth of the site, except for deliveries. The downside of this is that the appearance presented to the view from Debden Road will be of the car park rather than the buildings.

4) The design is for two groups of houses facing each other across a central square, picking up the layout of Stephen Neville Court. This arrangement will create an attractive private space within the development, and minimises the external interaction with adjacent houses. The development will however present a rear elevation to the approach from Debden Road. The houses are fairly simple small urban 'cottages' which is an arrangement found within Saffron Walden in developments over the last hundred years or more. The small units proposed meet the need for starter homes in the area.

The access width provided is sufficient for a fire tender or refuse freighter.

5) The effect upon wildlife is an issue, though no Protected Species are thought to be involved with this site, the large existing garden undoubtedly provides nesting areas for birds and mammals. No other issues are considered to arise.

CONCLUSIONS: The proposal is seen as an acceptable development of a backland site with existing access, striking a reasonable balance with the constraints of the surrounding properties.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.5.2. Details of materials to be submitted agreed and implemented.
4. The access to the site between the proposed new houses and Debden Road is to be widened to the maximum extent of the available width and constructed to provide a roadway of adoptable standard, with removal of the existing bridge parapet wall on the north side of the access. Detailed drawings of this are to be submitted and approved in writing by the local planning authority before commencement of development.
REASON: To ensure that adequate access and sightlines are provided.
5. C.4.1. Scheme of landscaping to be submitted and agreed.
6. C.4.2. Implementation of landscaping.
7. C.4.6. Retention and protection of trees and shrubs for the duration of development.
8. C.6.2. Excluding all rights of permitted development within the curtilage of a dwelling house without further permission.
9. The parking area hereby approved shall be used for the parking of domestic vehicles in connection with the normal residential use of the dwelling to which it relates and shall not be converted for any other use or purpose, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification. The area between the two approved rows of houses shall be used for deliveries to and collections from properties only and shall not be used for the parking of vehicles.
REASON: To ensure that satisfactory provision for off road parking is provided and maintained.
10. C.19.1. Avoidance of overlooking – 1.
11. Slab levels.

Background papers: see application file.

UTT/0923/05/FUL – STEBBING

Proposed conversion of vacant chapel into 7 no residential units together with the erection of 4 no cottages and 2 open bay cart lodges. Alteration of an existing access to highway for vehicular and pedestrian (including demolition of front boundary wall) also change of use of land from light industrial to residential.

The Old Chapel Mill Lane. GR/TL 660-242. Mr D Emery Mrs Ward.

Case Officer: Mr M Ranner 01799 510556

Expiry Date: 03/08/2005

ODPM classification: Major application

NOTATION: Within Development Limits and Conservation Area.

DESCRIPTION OF SITE: The site comprises a roughly square shaped plot of land of approximately 0.2 hectares in size, which faces Mill Lane just to the south of the High Street within the centre of the village of Stebbing. It comprises a redundant former chapel building (previously used for light industrial purposes), which occupies a position within the southern corner of the site facing Mill Lane. A gravelled area lies immediately to the north of the building and the remainder of the site, which comprises its rear or north western segment accommodates a number of scattered graves with grave stones, associated with the old chapel. The historic buildings of the High Street back onto the northeast-facing boundary of the site, including The White Hart Public House and a cricket field with pavilion backs onto the rear west-facing boundary. The southern boundary abuts a grassed area, which forms the entrance to the cricket field and beyond this lies, a number of residential properties along Mill Lane. To the front of the site, lies a grade II listed United Reform Church, a pair of cottages and a bowling green with associated pavilion. Existing boundaries to the site include old red brick walls on three of the boundaries except for the boundary backing onto the high street properties and black cast iron railings are positioned to the front of the old chapel building. A number of trees are located within the site, most notably on the boundary immediately to the rear of the White Hart Public House, with others including a single tree located centrally within the site close to the chapel and some further scattered trees within the rear part of the site.

DESCRIPTION OF PROPOSAL: This application seeks full permission to convert the redundant chapel building into 7 no residential units. These would to comprise 4 two bed and 3 one bed flats. Minor alterations are proposed externally to the building to accommodate the flats, with the most significant comprising an enlargement of a ground floor extension to the rear of the building. Internally more significant changes are proposed, which include increasing the floor space at first floor by utilising an existing void. A terrace of four two-bedroom cottages is also proposed and is to be sited to the north of the chapel and set back from its frontage. These would be of simple design with steeply pitched roofs accommodating small pitched roof dormers on both rear and front facing roof planes. Externally the terrace is to be finished with a mixture of weather boarding, render and plain tiles and a weather boarded ground floor mono-pitched extension is to occupy the full width of the terraces rear elevation. Amenity areas would include private gardens for both the cottages and the single flat located within the rear of the Chapel building and a shared amenity area to the rear of the chapel will serve the remainder of the flats. Access would to be gained via an existing access located of Mill Lane, adjacent to the Chapel, which would extend into the site via a gravelled driveway to 14 external parking spaces and two four bay open cart lodges, would be of simple hipped roof design. This equates to a total of 22 spaces for the scheme. In order to achieve adequate visibility from the access into Mill Lane the front boundary wall is proposed to be demolished. Also to facilitate the development,

some grave stones are proposed to be relocated to an area within the western corner of the site.

APPLICANT'S CASE: A supporting letter from the agent dated 1st June accompanies the application. This can be inspected at the Council Offices in Saffron Walden, and on the Council's website.

RELEVANT HISTORY: UTT/0030/77/CA. Change of use to light industrial with incidental storage and warehousing. Conditional Approval 21 March 1977.
UTT/0905/92. Detailed application for the erection of new office/workshop building and construction of new access. Conditional Approval 25 September 1992.

CONSULTATIONS: The Environment Agency: raises no objections to the application.
The Campaign to Protect Rural Essex: objects to the proposal. In summary these objections relate to the loss of the open space, which is considered to be of heritage value and consequently will be harmful to the conservation area, as will the new cottages in relation to existing surrounding built development, contrary to policies ENV1 and ENV3 of the Local Plan. Concern is also expressed regarding the number of units proposed and the impact that will have on the levels of traffic and parking on this site to the detriment of general road safety contrary to Local Plan policy GEN1. It is also questioned whether the Council are satisfied that there is no demand for the commercial units in the chapel and whether satisfactory residential conversion can be achieved.
Essex County Council: recommends that a full archaeological condition be attached to any permission to ensure that the structure (chapel) can be recorded prior to conversion.
The Commonwealth War Graves Commission: objects to the application and make the following comments:

“As you may know the Commission is a Commonwealth organisation created in 1917 by Royal Charter and is thereby under a duty to permanently commemorate those members of the Commonwealth forces who died in the first and second world wars. There is one, First World War casualty buried in the Chapel yard namely Lance Corporal Bush. His grave is close to the west boundary of the chapel yard and is marked by a private memorial rather than our own distinctive war pattern headstone.

The Commission, in accordance with our member government's policy, is generally opposed to any proposals to disturb the remains of war casualties unless there is an 'overriding public necessity' in accordance with the Geneva Conventions or for some other substantial reason. It is not clear from the information we have, whether the war grave would be disturbed if the development proceeds. At this stage, therefore, and in order to protect the grave the Commission would oppose the application.”

PARISH COUNCIL COMMENTS: Stebbing Parish Council objects strongly to the application and make detailed observations in respect of the proposal. A copy of the Parish Council's comments is attached at the end of this report.

REPRESENTATIONS: 15 letters of objection have been received from 11 local residents. Letters of objection have also been received from 'Stebbing Toddler Group', 'The Stebbing Society' and 'Stebbing Village Hall Fund'. A single letter from a local resident raising no objections has also been received. The main points of objection can be summarised as follows:

- The proposed development will represent an over development of the site and will thus harm the character of the conservation area.
- The new cottages will detract from the setting of the old chapel building.
- The loss of the open space will be harmful to the conservation area.

- The proposal provides insufficient parking, which is likely to result in on street parking to the detriment of highway safety and the appearance of the conservation area.
- The site is currently utilised for parking in connection with the Village Hall, the bowling club, cricket club, and the White Hart Public House. The development will result in the loss of this facility, which will lead to parking problems in the vicinity to the detriment of highway safety.
- Mill Lane is narrow and has no footpath.
- The ingress and egress from the site is poor.
- If trees and hedges lopped this will result in loss privacy to a neighbouring property.
- Loss of employment opportunity and jobs for the village.
- It is questioned whether the chapel could be successfully converted into residential accommodation.
- The burial grounds/graves should be left undisturbed. Legislation dictates that burial grounds can only be developed if certain criteria are satisfied.

COMMENTS ON REPRESENTATIONS: The main issues raised above will be addressed in the following section.

PLANNING CONSIDERATIONS: The main issues are

- 1) **Whether in principle the site is suitable for residential development. (ULP Policies S3 and H3),**
- 2) **The appropriateness of the development in terms of scale, form, density and design and its impact on the conservation area. (ULP Policies GEN2, ENV1, ENV2 and ENV3),**
- 3) **Parking and highway safety. (ULP Policies GEN1 and GEN8) and**
- 4) **Other material matters and issues raised in third party representations.**

1) The site is located within the settlement limits of Stebbing, where policy S3 of the Local Plan dictates that development compatible with the settlement's character and countryside setting will be permitted within its boundaries. Policy H3 'New Houses within Development limits' also permits infilling with new houses subject again to the development being compatible with the character of the settlement, although in addition, this policy also dictates that development should be compliant with a number of sustainable criteria. In terms of satisfying the latter, the site is located centrally within the village in a position close to existing facilities and in the view of officers makes an efficient use of a brown field site. Subject to the form and design of the development therefore being compatible with the settlements character, policy does not preclude the principle of residential development on this site.

2) Turning to the impact of the development on the visual amenities of the locality and surrounding area, officers are satisfied that the proposed development will enhance the character of the conservation area. The open space which largely comprises the gravelled area adjacent to the north eastern side of the chapel and the area which accommodates the graves to the rear, despite representing an open break in the street scene is not considered by officers to be visually important or intrinsic to the character of the immediate locality or conservation area. The use of the site for the parking of vehicles, if present in large numbers and scattered across the site is in itself considered to be harmful to the conservation area on the occasions that parking takes place. The redundant chapel building has also started to deteriorate in condition and there is now evidence of vandalism to the building. Its conversion will allow the building to be rejuvenated and ensure its long-term retention to the benefit of the conservation area.

In terms of design, the external alterations proposed to the building are considered appropriate and sensitive to the building and have been kept to a minimum to ensure its integrity and character is retained. Internally more significant alterations are required due to the subdivision of the internal space required to provide the segregated units, although, internally the building, which is not listed, is not considered to be of sufficient importance, architecturally, to warrant the existing layout to be preserved. However from an historical point of view a condition is recommended in line with County Council advice that a full archaeological condition be imposed on any planning permission to ensure that the applicant secures an implementation of a programme of archaeological recording. The cottages are of simple design, and would not appear incongruous with surrounding development that comprises a wide variety of architectural styles and forms, both old and new. Concerns have been raised by residents that the cottages will detract from the chapel as they are equal in height at approximately 8.4 metres and will create an 'urban' appearance. Officers are satisfied however that the design, proportions and detailing are appropriate to the sites rural setting and as the terrace will be set back from the existing front elevation of the chapel building by approximately 5 metres, this should ensure that the cottages do not obscure views of its attractive front elevation, detract from its setting or in themselves appear dominant or harmful to the established street scene. In density terms the development equates to 49 dwellings per hectare, which represents an efficient use of land under the requirements of PPG3 'Housing', which requires that residential development be of a density of between 30 to 50 dwellings. This represents a density at the top end of the recommended targets set by PPG3, however as seven of the units are contained within the chapel building, only a small part of the site will actually be covered by buildings. The development does not therefore appear cramped or congested within the site and nor does it appear a typical high density 'urban' scheme and so consequently officers are satisfied that it will not appear out of context with its rural village setting.

3) With regard to highway issues Essex County Council has advised officers verbally, that they have no objection to the proposed development, provided the front boundary wall is removed adjacent to Mill Lane and any railings to the front of the chapel do not exceed 600mm in height. This will ensure that adequate visibility is achieved from the access and the plans have been amended accordingly to comply with these requirements. A number of concerns have been expressed by residents concerning parking, both in respect of the utilisation of the site by residents for parking and the parking provision afforded to the development. It is acknowledged that the site does provide parking at present on an informal basis for residents, and although it is apparent that this is both useful and convenient for those parking on the site, it should be recognised that the site is not a formal designated area for parking, on which the residents have any rights to use. In such a circumstance, the affects of the loss of this area for parking cannot therefore be given any weight in the determination of this application. In terms of parking provision, 22 spaces are proposed in total, which equates to 2 spaces per dwelling. This fully satisfies the parking standards contained within the Local Plan, which dictates that a 'maximum' of 22 spaces be provided for a development of this size and indeed if any more spaces were to be provided then the 'maximum' requirement would be exceeded and the development would not be sustainable in this respect.

4) The development is not of a size, both in terms of number of dwellings or site area, where the council would normally request a percentage of the dwellings be affordable. All of the units proposed however are one and two bedroom properties, which will meet an identified need for smaller properties and in his respect the proposal complies with Local Plan policy H10 concerning housing mix.

With regard to the issue of employment, the light industrial use for the chapel building ceased approximately 17 months ago and has subsequently remained vacant and undergone a gradual process of deterioration during this period. The building was clearly not

built and designed for modern commercial users and this allied with the sites position in close proximity to residential properties and its access arrangements from Mill Lane, do not in the view of officers make the site an appropriate one to accommodate future commercial uses. The future retention of the building is therefore likely to be facilitated by its conversion to a permanent residential use. At the time of writing it is the officers understanding that the applicants are to submit information concerning this particular matter.

Turning to residential amenity, the design and layout of the dwellings will ensure that neighbouring residential amenities are not significantly affected by reason of loss of daylight/sunlight, outlook, privacy or similar. The level of amenity afforded to the new dwellings is also considered acceptable and should ensure a pleasant living environment for future occupants.

A mature tree (approx 9 m high) at the centre of the site is to be removed, as is a large Holly to the rear of the chapel. This is regrettable, however the overall benefits afforded by the development, are considered to outweigh the harm resulting from the trees removal. The majority of the trees in and around the site are to be retained.

Finally, many residents, along with the parish council, have raised considerable concerns regarding the relocation of the graves, which are located on the site. Understandably, this is a particularly sensitive issue, which is acknowledged by officers, however separate legislation exists in connection with the protection and relocation of graves, and this matter is not one that a planning decision can be based. The granting of planning permission does not convey any consent, which may be required under any legislation other than the Town and Country Planning Acts and does not override or negate any permission required under other legislation. It is the officers understanding that the applicant is at an advanced stage in terms of receiving the necessary consent to relocate the gravestones and information to this affect will be submitted prior to committee.

CONCLUSIONS: In light of the above considerations, despite local opposition to the proposal, officers are satisfied that the proposed development satisfies all relevant aforementioned Local Plan policies.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implemented of landscaping.
5. C.5.1. Samples of materials to be submitted and agreed.
6. C.6.4. Excluding extensions without further permission.
7. C.6.5. Excluding fences and walls without further permission.
8. C.7.1. Details of external ground and internal floor levels to be submitted agreed and implemented.
9. C.11.6. Vehicle parking facilities.
- 10 C.16.2. Full archaeological excavation and evaluation.

Background papers: see application file.

UTT/1140/05/FUL – WIMBISH

Proposed demolition of redundant cafe and bungalow. Erection of 2 No two bedroom dwellings and 6 No three bedroom dwellings, alteration to access
The Beehive & Chesters Elder Street Wimbish GR/TL 572-345 D & D Property Services Ltd

Case Officer: Mr S Kuschel 01799 510629

Expiry Date: 05/09/2005

ODPM classification: Minor application

NOTATION: Outside development limits.

DESCRIPTION OF SITE: The site comprises The Beehive, originally a café and petrol filling station, converted to residential use, and the adjoining bungalow known as Chesters. It is adjoined on the west side by a modern one and a half storey house, and to the rear by the modern houses of the Carver Barracks estate. The two properties are within a fairly loose knit ribbon development onto Elder Street. There is mature conifer hedge along the eastern and northern boundaries to Chesters.

DESCRIPTION OF PROPOSAL: The application proposes the erection of four dwellings along the frontage of the site served by existing access points, and the formation of a central 4.8 metre access to serve four additional dwellings at the rear of the site.

RELEVANT HISTORY: Permission granted in January 2005 for the replacement of The Beehive with two dwellings.

CONSULTATIONS: Environment Agency: Standard letter re guidance for the applicant to make the development more sustainable.

TOPS: Do not wish to raise an objection to the proposal subject to conditions. Access to minimum of 3.6m wide. Any garage to be set back a minimum of 6m from the highway boundary.

Environmental Services: Part of the development was historically used as a petrol filling station. If development is approved a contaminated land risk assessment and remediation scheme will be required.

PARISH COUNCIL COMMENTS: Awaiting comments.

REPRESENTATIONS: Two letters have been received. Consultation period expired 11 August 2005. Objections relate to such matters as follows: -

Three bedroom house is at the end of the garden. Garden is only 20 feet long and is currently not overlooked. View and light will be blocked. The density is too high for the site. Would be overdeveloped. Backland development inappropriate for a rural area. Loss of privacy and overbearing impact.

PLANNING CONSIDERATIONS: The main issues are: -

- 1) **Whether the proposals constitute an acceptable form of development in the countryside (ERSP Policy C5, ULP Policy S7 and H7);**
- 2) **Whether the backland element of the scheme would have material impact on the amenities of adjoining dwellings (UDP Policy H4) and**
- 3) **Whether the proposed development is sustainable (ERSP Polices CS1, CS4, and H3).**

1) The site lies within the Open Countryside, well outside of any defined settlement boundary as defined in the Uttlesford Local Plan. The site consists of an existing single storey building of no intrinsic merit set in a quite a large plot, along with a single detached bungalow.

The site is outside settlement boundaries where new development would not normally be allowed. Replacement dwellings may be allowed when the opportunity is taken to put up a building that reflects local character, is sensitively sited and enhances the countryside. Paragraph 6.14 of the Housing Chapter of the Local Plan states that there is no specific policy on infilling outside development limits because any infilling proposals will be considered in the context of Policy S7. This says that development will be strictly controlled. However, if there are opportunities for sensitive infilling of small gaps in small groups of houses outside settlement boundaries but close to settlements these will be acceptable if development would be in character with the surroundings and have limited impact on the countryside in the context of existing development.

Although outside any settlement boundary, the site is close to the development at Carver barracks. The character of this particular section of Elder Street is however that of fairly loose knit ribbon development. The planning permission as already granted for the replacement of The Beehive with two dwellings would retain this character, whereas the development in depth as proposed by this application would change the character of this part of Elder Street and would be inappropriate outside development limits.

- 2) Policy H4 states that backland development will be permitted if certain criteria are met as follows: -
- a) There is significant under-use of land and development would make more effective use of it;
 - b) There would be no material overlooking or overshadowing of nearby properties;
 - c) Development would not have an overbearing effect on neighbouring properties;
 - d) Access would not cause disturbance to nearby properties.

The application proposes the erection of eight dwellings, four of which would be located in a backland position. The adjoining gardens of Debden Drive have an average depth of 7.5m and window to window distances would be less than 20m. The shortest proposed garden length is 8m and the longest would be 12m. The garden to Ladywell Cottage to the west would also be closely overlooked.

Backland development in this location would have a detrimental affect on the amenities of adjoining houses, by way of loss of privacy and outlook.

3) The site is well outside the nearest settlement. The dwellings would have to rely on the car for journeys to shops, schools, and facilities. The application site is not therefore a sustainable location for this density of housing development.

CONCLUSIONS: The development would not constitute an acceptable form of development in the countryside, and the backland element of the scheme will have a harmful impact on the amenities of adjoining properties. The site is not a sustainable a location for significant housing development.

RECOMMENDATION: REFUSAL REASONS

1. The site is located within the countryside beyond development limits as defined in the adopted Uttlesford Local Plan, which requires that new development in the countryside will be strictly controlled. The application site forms part of a loose-knit frontage onto

Elder Street where the proposed development would be out of character with and harmful to the appearance of the countryside. The proposed development is contrary to policies CS2 of the Essex and Southend on Sea Structure Plan, and Policy S7 of the Uttlesford Local Plan.

2. The proposed backland element of the proposed development would result in material overlooking, loss of privacy, and an overbearing effect on neighbouring properties, contrary to Policy H4 of the Uttlesford Local Plan.
3. The proposed development is considered to be contrary to the principles set out in Planning Policy Statements 1 and 7 to promote more sustainable patterns of development, by virtue of the site's location remote from any defined settlement. Similarly it is considered to be contrary to the principles of the Essex and Southend on Sea Replacement Structure Plan Policy CS2.

Background papers: see application file.

UTT/0804/05/FUL – TAKELEY

Demolition of existing building. Erection of 4 no. 2 bed & 2 no. 1 bed self contained residential units. Construction of new vehicular access
Land adj to 1 Nursery Cottages Dunmow Road. GR/TL 570-211. Mr S Radcliffe.
Case Officer: Miss K Benjafield 01799 510494
Expiry Date: 29/07/2005
ODPM classification: Minor application

NOTATION: Within Takeley/Little Canfield Local Policy 3.

DESCRIPTION OF SITE: The site is located to the north of the B1256, approximately 970m to the east of the Four Ashes crossroads, and covers an area of 0.12ha. There is an existing vacant office building on the site with hardstanding to the front and parking to the rear. The building is two-storey at the front of the site and single storey to the rear. The side and rear boundaries to the site consist of closeboarded fencing and mature vegetation.

DESCRIPTION OF PROPOSAL: This application proposes the erection of a two and a half storey block of flats consisting of 4 x 2 bedroom units and 2 x 1 bedroom units – this would equate to 50dph. The building would cover an area of 154m² and would have accommodation on three levels. The ridge height would be a maximum of 9.4m high. The submitted plans indicate that the first floor side windows would be obscure glazed. 9 parking spaces for the flats would be located to the rear of the site accessed via a new vehicular access adjacent to the western boundary of the site. It is also proposed that a bin store would be constructed to the west of the access. This would cover an area of 6m² however elevational details of the bin store have not been submitted and the height is not known.

APPLICANT'S CASE: See letter dated 13 May attached at end of report.

RELEVANT HISTORY: Extensions conditionally approved 1977. Additions and alterations and change of use from house and garage to car hire and offices conditionally approved 1985. Change of use of car hire office to general office (class B1) conditionally approved 1998.

CONSULTATIONS: ECC TOPS: The Highway Authority recommends that permission be refused for the following reason:

“The proposal would lead to the creation of a substandard access on a stretch of classified highway where the principal function is that of carrying traffic freely and safely between centres of population. The slowing and turning of vehicles associated with the use of the access would lead to conflict and interference with the passage of through vehicles to the detriment of that principle function, and introduce a further point of possible traffic conflict, being detrimental to highway safety – contrary to ERSP Policy T7 Road Hierarchy.”

Thames Water: No objection with regard to sewerage infrastructure. Makes comments regarding the developer's responsibility with regard to surface water drainage.

Environment Agency: Provides guidance for the applicant regarding small residential development.

PARISH COUNCIL COMMENTS: Object on the grounds that:

1. The development is incompatible with the scale, form, layout, appearance and materials of surrounding buildings.
2. The property will dominate the immediate area and will detrimentally affect the visual impact of the area.

3. Access and use of the 9 garages at the rear of the property will cause disturbance and loss of amenity to neighbouring properties.

REPRESENTATIONS: This application has been advertised and 2 representations have been received. Period expired 29 July.

1. Unhappy that bin store location is too close to west view cottage boundary. Too close to living quarters.

2. The only query is the number of floors planned in this building because the height will not correspond with those buildings adjacent to it. It will also mean that all the other properties will be overlooked. As for a residential building being put there, it will be a welcome experience to the unsightly mess that currently exists.

COMMENTS ON REPRESENTATIONS: See planning considerations.

PLANNING CONSIDERATIONS: The main issues are whether

- 1) the development of this site is acceptable in principle (ULP Policies S2, LP3),
- 2) the development would have a satisfactory design (ULP Policy GEN2) and
- 3) the access and parking arrangements would be satisfactory (ERSP Policy T7 & ULP Policies GEN1 & GEN8).

1) ULP Policy S2 states that development of sites within Takeley/Little Canfield Local Policy 3 (LP3) area will be acceptable if they comply with the requirements of other policies in the local plan. The preamble to LP3 specifies that development of sites subject to the policy will need to respect the master plan and Supplementary Planning Guidance (SPG) relating to Priors Green and "Island Sites". It is considered that this site qualifies as an "Island Site" within the policy area.

In order to ensure that development is compatible with the main Priors Green development, one of the specifications of the SPG is that no detailed planning applications on "Island Sites" will be granted planning permission until detailed planning applications relating to adjacent land pursuant to planning application ref UTT/0816/00/OP (Priors Green) have been approved. Outline planning permission has been granted for development of the main Priors Green site however no detailed applications have been determined and therefore it would be premature to consider a fully detailed application on this site. Therefore the proposal fails to comply with the requirements of ULP Policy LP3.

2) The proposal indicates a two and a half storey building with a frontage width of 9.5m and a maximum depth of 17.9m. The bulk of the proposed building would be significantly greater than the existing building as a result of a two-storey building with single storey rear elements being replaced with a two and a half storey building. In addition, the form of the proposal would fail to respect the form and character of the adjacent properties which is that of more modest buildings with rear elements that are located away from the side boundaries. The side elevations have been designed in order to prevent any overlooking of adjacent properties however this has resulted in long blank elevations. When viewed from adjacent properties and the public right of way adjacent to the eastern site boundary, the building would appear overbearing.

As a result of the ridge height of the building being 9.4m, it is likely that some overshadowing of the adjacent properties would occur. However, this would be limited by the distances between the site and the adjacent properties.

There are concerns from the neighbouring property to the west regarding the location of the bin store however it would be necessary for a bin store to be located in a position for easy access by the refuse collectors. If the application were considered to be acceptable it may

be possible to relocate the bin store to a position that would be still be convenient for collections but more suitable in relation to the adjacent property.

It is considered that the design fails to respect the character of the surrounding properties and would be overbearing when viewed from the public footpath and adjacent properties contrary to ULP Policy GEN2.

3) Criteria a) of ULP Policy GEN1 states that “access to the main road network must be capable of carrying the traffic generated by the development safely”. The Highways Authority has been consulted on this application and considers that the development would lead to the creation of a substandard access on a stretch of classified highway. The subsequent slowing and turning of vehicles associated with the development would lead to conflict and interference with the passage of through vehicles and this would compromise highway safety. The Highways Authority has recommended that planning permission is refused as the proposal would be detrimental to highway safety and the proposal is therefore contrary to ERSP Policy T7, as advised by ECC TOPS, and ULP Policy GEN1.

In addition, it is proposed that 9 parking spaces would be provided for the occupiers of the flats which equates to 1.5 spaces per flat. This is an acceptable level of parking in a town centre location with adequate public transport provision and services within walking distance. However, this site is located almost 1km from Takeley and there are limited public transport options. It is therefore considered that the parking provision is inadequate for the proposed development and fails to comply with ULP Policy GEN8.

CONCLUSIONS: The proposal fails to comply with the provisions of ULP Policies S2, Takeley/Little Canfield Local Policy 3, GEN1, GEN2 and GEN8 and ERSP Policy T7 and is therefore recommended for refusal.

RECOMMENDATION: REFUSAL REASONS

1. The proposed development fails to meet the criteria specified in Takeley/Little Canfield Local Policy 3 of the Uttlesford Local Plan or the approved Masterplan and Supplementary Planning Guidance and would constitute 'piecemeal' development within the site known as Priors Green.
2. The proposed design of the building would have a greater bulk and built form than either the existing building or the adjacent properties and this would fail to respect the character of the area. Furthermore, the side elevations would be long and blank and, given the proximity to the side boundary, would be overbearing when viewed from adjacent properties and by users of the public right of way adjacent to the site. The proposal therefore fails to comply with the requirements of ULP Policy GEN2.
3. The proposed access for the development would be substandard on a stretch of classified highway. This would result in the slowing and turning of vehicles associated with the development and lead to conflict and interference with the passage of through vehicles. This would compromise highway safety and would be contrary to ERSP Policy T7 and ULP Policy GEN1.
4. The proposal indicates 9 car parking spaces available for the occupiers of the building however this site is located in an area with few services within walking distance and limited public transport options. The parking provision is therefore inadequate and is contrary to ULP Policy GEN8.

Background papers: see application file.

UTT/1003/05/FUL - WIMBISH

Change of use from recreational grazing to commercial stud farm; temporary dwelling to prove viability on future stud farm accommodation. Proposed extension to approved stables. The Lipizzaner UK Stud, Home Pasture, Top Road, Wimbish Green. GR/TL 606-353. Mr & Mrs L R Eyers.

Case Officer: Mr T Morton 01799 510654

Expiry Date: 15/09/2005

ODPM Classification: Major application

NOTATION: Outside Development Limits.

DESCRIPTION OF SITE: The site is a field set behind hedges on the corner of the junction between Top Road and Lower Green, Wimbish. To the east of the field is Warners Farm, a two-storey house in substantial grounds. A scatter of other houses lie to the west along both sides of Top Road. The application field contains the base of an approved stable building, and the boundary hedge has been lined on the inside with post and rail fencing.

DESCRIPTION OF PROPOSAL: The application seeks consent for the change of use from recreational grazing to commercial stud farm, with a temporary dwelling in the form of a caravan to prove the viability on future stud farm accommodation, and a proposed extension to the approved stables.

APPLICANT'S CASE: The application is accompanied by a supporting statement which claims that PPS7 classes Equine related activities as agricultural development, and they wish to exercise their rights under paragraph 12 of PPS7 to apply for a temporary dwelling for the statutory three year period, to provide security and welfare to prove the viability of their stud farm. They will be breeding Lippizaner horses. Details have been provided of a stable in Newmarket for comparison. A detailed brochure has been prepared and submitted, pointing to a history of grazing on the site. It also sets out details of the financial records of the business since April 2001 that show no profits to date, and a projection to 2012 and anticipated profits by 2007.

RELEVANT HISTORY: UTT/1612/01/FUL Change of use from agricultural land to recreational grazing land and erection of stable block Refused 07 Feb 2002. Appeal dismissed for the stable block but did allow a change of use of the land from agriculture to recreational grazing,

UTT/1549/02/FUL Erection of stables incorporating feed and tack area. Refused 13 Feb 2003. Appeal dismissed.

UTT/0962/03/FUL Construction of barn for storage of hay and straw. Refused 19 Aug 2003.

UTT/1765/03/FUL Construction of barn for storage of hay and straw. Approved 09 Feb 2004

UTT/1866/03/FUL Erection of stables with storage and tack room. Approved 09 Feb 2004

It should be noted that this approval is subject to a condition that the stables shall not be used for the purposes of a riding establishment, or any type of livery use.

CONSULTATIONS: Environmental Health: No adverse comments, if approved the caravan will require a site licence from this department.

PARISH COUNCIL COMMENTS: To be reported (due 2 September 2005).

REPRESENTATIONS: Eight Objections. Notification period expired 29 August 2005. The issues raised are:

This is not diversification of an agricultural enterprise, it will produce very little employment benefit. The use could generate 11 vehicle trips per day, horses use a lot of water and the soil conditions here have poor drainage, there is no evidence of a permit to discharge having been obtained, the use will produce large amounts of solid waste. The objector criticises the submitted brochure point by point and says that the financial figures show a cumulative loss of £123,525 from years 1 to 12. The business is a fantasy, when it fails the proposed building would be left and would inevitably be converted into housing. In the year 2000 this was open arable land, not fenced or hedged and with no buildings and no services. There is no historically established equestrian or domestic use on the site, the proposals do not constitute diversification. Attention is drawn to objections made to the earlier applications. Another objector questions where the horses will exercise because there are no bridleways in the area, but horses do ride on footpaths where they are not supposed to be. Unsuitable road infrastructure large increase of traffic. The land is Recreational Grazing and therefore policies which apply to farms and agriculture do not apply. Even if this land was classified as agricultural it is too small an acreage to allow a dwelling to be erected, therefore a temporary dwelling cannot be allowed either. Accounts figures suggest understating of costs. Income appears overstated and is reliant on livery income from the covering of Mares but there is no provision for building stables to house them, as all the existing and new proposed stables are required to house the owners present stock. Paddock space for visiting mares is non-existent. Most Stud Farms have at least 40 rising to 100's acres. Subsidised Employment. Would inevitably need lighting at night and we would suffer. If the venture proves not to be viable after the building of stables, accommodation school etc it has little commercial value, as there is already a surplus of livery stables in the area then its only use is residential. Object, field is too small for the number of horses kept, it is only suitable for two to three will cause a great deal of traffic from horseboxes, and cars, where will they all park? Increased traffic and the horses will make a great deal of noise. Issue of waste management.

CPREssex: object as contrary to Policies S7, GEN1, GEN4, E4, E5, H12 and PPS7. The site is not appropriate for a commercial venture of this nature or for extension to the stables. It is too cramped, too close to residential properties and the surrounding road network is not suitable for the number or nature of vehicles that would be likely to visit. This is not a re-use of redundant farm buildings or a farm diversification, but a new activity in new buildings in the countryside. There appears to be no current commercial stud requiring a dwelling at all. The accounts submitted are budgets/estimates only and highly speculative. They do not demonstrate a steady and reliable income.

PPS7 Annex A para 2 specifically warns against speculative proposals to abuse the agricultural workers' exception and stresses the need to test the genuine nature and longer term viability of any enterprise. This application should be subject to the most rigorous examination given the untried nature of the proposed business.

COMMENTS ON REPRESENTATIONS: Noted.

PLANNING CONSIDERATIONS: The main issues are

- 1) **Countryside protection policy (PPS7, ERSP Policy C5, CS2 & ULP Policy S7);**
- 2) **Alternative uses in the countryside / equine uses (PPS7, ERSP Policy RE2, & ULP Policy S7);**
- 3) **Housing in the countryside (ERSP Policy H2 & ULP Policy H12);**
- 4) **Other material planning considerations.**

1) The site lies outside of defined Development Limits, where Planning Policy for the countryside aims to restrict development to that required to support agriculture and forestry. Other uses appropriate to a rural area can be acceptable in some circumstances. The proposal is for a caravan and additional buildings to support a proposed new use of breeding

horses. The applicant contends that it falls within the agricultural use because of PPS7 and that this document gives him a right for a temporary dwelling. This is a gross misunderstanding of the purpose of PPS7 and its content. The authorised use of the land is recreational grazing, and planning law regards the keeping of horses for breeding or other commercial use as not being within the definition of agriculture. A material change of use is involved, for which a planning application is required. This application applies for a mobile home to support a proposed commercial stud, and PPS7 confers no 'right' to do this, rather it sets a series of tests that must be satisfied. This is discussed further below in section (3).

The history of the site to date has resulted in approval for recreational grazing, and a barn of 11.5m length separated by a gap of 6m from a stable of 21.5m length. The proposal would produce a single building incorporating the approved stable, construction of which has commenced to slab level. The proposed building would have an overall length of 30.2m, and two projecting wings, one already approved of 12.4m and a second proposed wing of 15.45m. The total floor area is some 240sq.m. It should be noted that the original proposal for a stable block on the site in 2001, that was refused at Appeal had a floor area of 272sq.m. The Inspector concluded that the building would be overlarge and inappropriately detailed for its location, and contrary to the aim of policy to protect the countryside for its own sake. Although the ridge height of that building would have been 8.2m compared to 5.2m now proposed, the current building would still read as a very large structure in this open landscape, and is considered to be equally as inappropriate to the aim of policy to protect the countryside for its own sake. The stable building would be a very visible barrier of building in views from Warners Farm especially in winter. The caravan would be placed in a corner between the substantial front boundary hedge and the new stable, screening most views in summer, though it may well be visible when the trees have no leaves, when it would be visible from the garden of Warners Farm and from the highway.

2) The Local Plan does not contain a policy specifically directed towards equine related uses, but the text of countryside policy at national, county and district level is clear; that the primary purpose is to prevent development in the countryside except for that which needs to take place there. The Council has taken a consistent approach to equine uses, that apart from recreational grazing, they should only be considered where conversion of existing buildings is possible, and that they will not be acceptable where new buildings, or new dwellings are 'required' (unless for very small scale stabling for domestic horses). Planning Policy Statement 7 contains the following text about equine related uses:

"Horse riding and other equestrian activities are popular forms of recreation in the countryside that can fit in well with farming activities and help to diversify rural economies. In some parts of the country, horse training and breeding businesses play an important economic role. Local planning authorities should set out in LDDs their policies for supporting equine enterprises that maintain environmental quality and countryside character. These policies should provide for a range of suitably located recreational and leisure facilities and, where appropriate, for the needs of training and breeding businesses. They should also facilitate the re-use of farm buildings for small-scale horse enterprises that provide a useful form of farm diversification."

Because the land is no longer part of a working agricultural unit the question of farm diversification does not arise; the revenue from the equine business would not go to support an agricultural enterprise. The PPS7 guidance refers to some parts of the country where horse breeding has an important economic role, and Newmarket would be an example of this. Uttlesford however does not have this role, the character of the countryside is predominantly arable.

The characteristics of such a business are different from arable agriculture, and the appearance of the countryside is changed significantly by the enclosure of open arable land

to form the fenced paddocks required to confine the horses. Frequently a range of stables, horse shelters and ancillary buildings are also required. This alteration to the appearance of the countryside is counter to the principal objective of countryside policy to protect the countryside for its own sake, and for its appearance and character.

Essex County Council have published a Landscape Character Assessment of the County that describes this area, The North Essex Farmlands, in terms of

- Strongly undulating landform dissected by small valleys. Distinctive, elevated broad flat topped ridges.
- Medium to large-scale arable field pattern.
- Sense of openness and space on high ground with wide views.
- Contrasting semi-enclosed character of some valleys.
- Relatively low density of small villages, hamlets and farmsteads.
- Mostly remote/tranquil character.

Essex Replacement Structure Plan Policy NR1 (Landscape Conservation) sets out a general policy which seeks to ensure that:

The natural beauty, amenity and traditional character of the landscape will be protected, conserved and enhanced. Development must respect its landscape setting and will not be permitted if it would cause permanent destruction or damage to the character of the landscape. Development will not be permitted which would have a material adverse impact, even of limited duration, on the character and appearance of the landscape, including specific landscape features of identified importance

This policy position is supported by the Uttlesford Local Plan Policy S7 The Countryside:

The countryside to which this policy applies is defined as all those parts of the Plan area beyond the Green Belt that are not within the settlement or other site boundaries. In the countryside, which will be protected for its own sake, planning permission will only be given for development that needs to take place there, or is appropriate to a rural area. This will include infilling in accordance with paragraph 6.13 of the Housing Chapter of the Plan. There will be strict control on new building. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.

Enclosure of the open landscape with fenced paddocks, together with the proposed enlarged stable and caravan, and likely future need for additional horse shelters and other buildings, and possibly a house, is considered to be contrary to the policy aim of protecting the existing character of the landscape. If the proposed use is not considered acceptable, then there can be no justification for the caravan.

Other issues are whether this is a sustainable location, in terms of generating a need for increased vehicle trips, and in terms of the capacity of the lane to handle such traffic. Estimation of the traffic flows varies, with one objector reaching the conclusion that traffic levels could be 11 trips each day. The applicant has not produced an estimate. All journeys to the site would be dependant on private vehicles; there is no regular bus service.

3) Policy for the creation of new dwellings in the countryside is also very restrictive, though one possible exception is for an agricultural worker, and PPS7 extends the exception to dwellings required to support other rural based occupations. There are stringent tests for

both permanent and temporary agricultural dwellings, and even if the equine use were to be accepted, a temporary dwelling has to satisfy criteria that there is;

- a firm intention and ability to develop the enterprise,
- that there is a functional need to be resident on the site,
- that there is clear evidence that the enterprise has been planned on a sound financial basis,
- that the functional need could not be met by another existing dwelling on the unit or in the area
- and that other normal requirements on siting and access are met.

The evidence within the brochure appears to indicate that the 'business' is not making any profits, and that it will be at least 4 years more before any return is expected. The need for supervision of 6 horses would appear to be relatively small, but in any case there are already dwellings in the vicinity of the site from where supervision could be exercised. The applicant has not stated whether existing housing has been sought locally.

The Council considers that none of the requirements for a temporary dwelling have been met and there is no justification for the mobile home here, particularly as the equine use itself is not considered acceptable.

CONCLUSIONS: The proposal is considered unacceptable.

RECOMMENDATION: REFUSAL REASON:

The proposed change of use, stable extension and caravan dwelling would be contrary to the provisions of planning policy and guidance as set out in PPS7, Essex Replacement Structure Plan Policies C5, CS2, RE2, and H2, and Uttlesford Local Plan Policies S7 and H12, to place strict control upon development and the provision of new dwellings in the countryside. The proposed stable building would be excessive in size in this prominent location and thereby damaging to the open character of the landscape and the appearance of its rural setting. Although there may be some cases where dwellings to support a use that is appropriate in the countryside may be acceptable in certain exceptional circumstances, it is considered that the tests set out for such dwellings have not been met in this case, and the proposed use that the proposed dwelling is intended to support is not considered to be acceptable in terms of the aims of policy for the countryside.

Background papers: see application file.

UTT/0994/05/DFO - LITTLE DUNMOW

Erection of two-storey house and garage and garden store, access to highway and drive (reserved matters application for outline planning permission UTT/1299/03/OP).

Adjacent to The Old Vicarage, Grange Lane. GR/TL 654-213 Mr & Mrs Ulph.

Case Officer: Mr M Ranner 01799 510556

Expiry Date: 26/08/2005

ODPM classification: Minor application

NOTATION: Outside Development Limits/Part of site within Conservation Area.

DESCRIPTION OF SITE: The site lies on the edge of the village of Little Dunmow and currently forms part of the private garden of The Old Vicarage.

DESCRIPTION OF PROPOSAL: The proposal seeks full reserved matters approval for the erection of a single dwelling house following the grant of planning permission on appeal in March 2004.

RELEVANT HISTORY: Outline application for one house, approved 1988. Renewal, 1991. Outline application for erection of a dwelling, allowed 2004.

CONSULTATIONS: ECC Highways: Highway aspects are left for determination by UDC. Environment Agency: No objection.

PARISH COUNCIL COMMENTS: To be reported (due 3 August 2005).

REPRESENTATIONS: This application been advertised and no representations have been received.

COMMENTS ON REPRESENTATIONS: None.

PLANNING CONSIDERATIONS: The main issue to consider is whether the proposal would have a detrimental impact on the character and appearance of this rural area in accordance with ERSP C5 and ULP S7, GEN2, GEN1.

This application seeks reserved matters approval for the siting, external appearance, design and associated landscaping of a single dwelling house on land to the east of The Old Vicarage, Little Dunmow.

The principle of development is not an issue for determination under this application; this has already been established on appeal, mainly because the decision was made when the overriding weight was still given to the 1995 ADP as opposed to the 2005 ULP when the site lay within the development limit. However, now the principle has been established determination relates purely to matters of detail.

The Inspector considered that the erection of a single dwelling house would not be inappropriate and would preserve the character and appearance of the Little Dunmow Conservation Area. This proposal now seeks reserved matters approval for the erection of a single detached two-storey dwelling with associated detached garage and store.

The proposed dwelling is a large detached dwelling comprising four first floor bedrooms, family bathroom and main bedroom en-suite to the first floor and lounge, hall, kitchen, dining room, snug, study, pantry and utility room at ground floor level. The dwelling would have a

front elevation of approximately 16m, a maximum depth of 11m and a ridge height of 9.5m, set 8m back from Grange Lane behind a mature hedgerow. The form of the house consists of a central rectangular block, with a 4.5m two storey front projecting gable, a similar gable located on the rear elevation and a mono pitched roof single storey side extension clad in timber on the western elevation. The dwelling's architectural style is relatively simple and typical of many modern houses in the district with clay plain tile roof, stone lintels above the window openings and narrow double paned windows with single horizontal glazing bars. The proposal also details the erection of a timber framed and weatherboard detached double garage and store to the west of the dwelling in the corner of the site. The garage and store would occupy a floor area of approximately 56sq.m to a ridge height of 6.1m.

Notwithstanding that there would be some visual impact, the design of the dwelling would not appear so visually prominent and incongruous in the street scene that it would have a detrimental impact on the character and appearance of the countryside. Nor is it out of keeping with other dwellings in the locality, relying somewhat on the style and scale of the neighbouring Old Vicarage. Subject to the use of high quality materials and a satisfactory scheme of landscaping, the house would not affect the visual interests of its surroundings and would be appropriate given its close proximity to the Old Vicarage and its position on the edge of the settlements pattern of development. Accordingly, it is recommended that the reserved matters be approved, subject to conditions.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.3.1. To be implemented in accordance with approved plans.
2. C.4.1. Scheme of landscaping to be submitted and agreed.
3. C.4.2. Implementation of landscaping.
4. C.5.1. Samples of materials to be submitted and agreed.
5. C.6.3. Excluding Permitted Development extensions and erection of freestanding buildings without further permission.
6. C.7.1. Details of external ground and internal floor levels to be submitted and agreed.

Background papers: see application file.

UTT/1113/05/FUL - HATFIELD BROAD OAK

Erection of loose boxes, track room and fences. Change of use from agricultural to pasture Land adj Woodbury House Pierce Williams. GR/TL 549-149. Mr & Mrs Waters.

Case Officer: Mr N Ford 01799 510468

Expiry Date: 01/09/2005

ODPM classification: Major application

NOTATION: Outside Development Limits ULP Policy S7.

DESCRIPTION OF SITE: The site relates to a substantial area of land located to the east and north east of Woodbury House, Pierce Williams, near Hatfield Broad Oak. To the north is Needham Green leading to Hatfield Broad Oak and to the south is the A1060 between Hatfield Heath and White Roding. The immediate area consists of a cluster of just a few dwellings off Sparrow Lane with Woodview to the north of Woodbury House and Paigles to the south. To the west opposite the road is Rose Cottage. Countryside surrounds the wider area. Agricultural land rises gently to the east beyond established hedges and trees.

DESCRIPTION OF PROPOSAL: The scheme relates to the change of use of land to grazing of horses and the erection of a stable block incorporating three stables and a hay and rug room. This would have a foot print of approximately 60 sqm, a ridge height of 3m and an eaves height of 2.2m. Materials proposed consist of shiplap boarding and black roof sheeting. Post and rail fencing 1.3m high would be located to the boundaries of the application site.

Access to the stables block would be gained over the ditch to the rear of the existing dwelling by cutting through a hedge. The link between the stables and the grazing pasture would require cutting through an established hedge. Access from the grazing land would be via a gap between the post and rail fence near Pierce Williams leading out onto Sparrow Lane.

APPLICANT'S CASE: See applicant's letter dated 10 June 2005 attached end of report.

CONSULTATIONS: UDC Environmental Services: Stables can produce both solid and liquid waste. The application does not include information on the collection and disposal of contaminated run-off from stable or from muck heap. Adequate arrangement should be made for the collection and disposal of foul water run-off. Adequate arrangements should also be made for the off site disposal of stable waste to a suitably licensed facility. Conditions should also be imposed prohibiting the on site burning of stable waste. The applicant should also be advised to contact the Environment Agency, Apollo Court, 2 Bishops Square, Hatfield Business Park, St. Albans Road West, Hatfield, Herts in connection with pollution prevention guidelines.

PARISH COUNCIL COMMENTS: (due 6 August 2005).

REPRESENTATIONS: None. Notification period expired 28 July 2005.

PLANNING CONSIDERATIONS: The main issues are

1. **Whether the use of this land for the grazing of domestic horses and the erection of a stable block would be acceptable development in the countryside that is appropriate to a rural area and protects or enhances the character of the countryside (PPS7, ESRP Policy C5 and ULP Policy S7) and**

2. Whether the loss of agricultural land is acceptable (PPS7, ESRP Policy NR8, ULP Policy ENV5).

1) In terms of the effects of the proposal upon the character and appearance of the countryside, it is considered that the grazing of the site by horses would not be an uncommon feature of a rural area and therefore not inappropriate.

The stable and hay block whilst not modest in scale to some that have previously been approved is of limited height and scale and relates well to the existing dwelling, being adjacent the garden. As such this is considered a less conspicuous position and therefore appropriate.

The proposal would involve the erection of post and rail fencing and the cutting down of some hedges to provide access. Post and rail fencing is considered appropriate in a rural area. However, in order to limit any further cutting of hedges, which contribute to the biodiversity and visual amenity of this area of the countryside, it is considered appropriate to control this by condition.

2) PPS7, the structure plan and the local plan state that the irreversible loss of the best and most versatile agricultural land will not normally be permitted unless there is an overriding need for development, which cannot take place on appropriate land of a lesser quality. The best and most versatile agricultural land is defined as Grades 1, 2 and 3A within the Agricultural Land Classification System. This is determined the type, consistency and yield of crop potential.

The current classification for the site is Grade 2. However, it is considered that the use of land for the grazing of horses not involving building would not prejudice the productive quality of this land for agriculture.

CONCLUSIONS: It is considered that the use of the land for grazing would not involve the loss of the best and most versatile agricultural land and would not involve development resulting in its irreversible loss. Grazing would retain the openness of the area as the site remains in the countryside where there is a strict control on new buildings.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. C.8.27. Drainage Details.
6. The use of the land hereby permitted for the grazing of horses shall be carried on only by a person or persons who reside in the dwelling house known as Woodbury House, Pierce Williams, Hatfield Broad Oak and shall not become a separate or commercial activity.
REASON: In order to protect the character and appearance of the countryside.
7. Muck heaps shall be located only in the area indicated on drawing no. 2, no animal bedding or other waste shall be burnt and stable waste shall be disposed of off site to a suitably licensed facility.
REASON: In order to protect the amenity of adjacent dwellings.
8. No external lighting shall be erected on the stable building or within the application site bounded in red on the approved plan unless approved in writing by the local planning authority.

REASON: In order to protect the character and appearance of the countryside and the amenity of adjacent dwellings.

9. No trees or hedges shall be cut down, uprooted or destroyed topped or lopped without the prior written consent of the local planning authority except between the points F and G marked on the approved plans where access is gained from the existing dwelling to the new stables and the new access road to the pasture.

REASON: In order to protect established hedges and trees in the interests of the visual amenity and biodiversity of the countryside.

Background papers: see application file.

UTT/1229/05/FUL - SAFFRON WALDEN

(Council employee related application)

Single storey bay window extension on front and side elevation
1B Plantation Close. GR/TL 541-368. Mr & Mrs J D Easthope.

Case Officer: Madeleine Jones 01799 510606

Expiry Date: 21/09/2005

NOTATION: ULP: Within Development Limits

DESCRIPTION OF SITE: The site is located on a corner plot on the entrance of a small cul-de-sac to the south east of the town. The property is an end of terrace brick built house with a garden area to the side. A 2m-timber fence screens the garden. The dwelling has timber framed single glazed windows to the front and the north facing elevations. There is a small-grassed area that wraps around the front and side of the property and a small tree to the front of the property.

DESCRIPTION OF PROPOSAL: The proposal is for the insertion of a bay window to the front elevation and a further bay window to the side elevation facing Plantation Close. These windows would replace existing smaller windows. Both bay windows would have a pitched tiled roof and the roof to the front elevation window would extend over the front door creating a canopy in front of the door. The materials used would match the existing house. The dimensions of the bay windows are 3m, wide, 0.8m deep and eaves height of 2.2m (max roof height 3.1m).

TOWN COUNCIL COMMENTS: to be reported (due date 28th August 2005).

REPRESENTATIONS: None. Notification period expired 19th August 2005.

PLANNING CONSIDERATIONS: This application would not normally be referred to committee; however, the applicant is a relative of a Council Employee. The main issues are

1) Design, scale and impact on neighbours. (ULP Policies S1, GEN2, H8);

1). The design and scale of the bay windows are satisfactory and in proportion to the existing property. Visually the proposal is not considered to harm the amenities of the area and the extensions will cause no material overlooking or overshadowing of neighbouring properties. Due to the small scale of development it is unlikely to be unduly prominent within the street scene.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
5. C.3.1. To be implemented in accordance with approved plans.
4. C.5.3. Matching materials.

Background papers: see application file.

UTT/0765/05/FUL – THAXTED

Single storey link extension between Units 1 & 2 and car park extension
Factory Units 1 & 2 Sibleys Green. GR/TL 614-284. Mr H Craine.

Case Officer: Miss K Benjafield 01799 510494

Expiry Date: 04/08/2005

13 weeks: 08/09/05

ODPM classification: Major application

NOTATION: Outside Development Limits.

DESCRIPTION OF SITE: The site covers an area of 1.2ha and is located within Sibleys Green approximately 2km to the south of Thaxted. There are two industrial units located on the site. There is some mature vegetation present on the site boundaries.

DESCRIPTION OF PROPOSAL: This application relates to the erection of an extension to the industrial units which would link the two buildings. It would cover an area of 320m² and would have a maximum ridge height of 5.4m. It is also proposed to increase the parking and turning areas on the site with 17 new spaces being created, although 5 spaces would be removed to enable the extension to be constructed. The new turning area and parking spaces would be located to the north and west of the site, adjacent to Unit 1.

APPLICANT'S CASE: See letter dated 9 May attached at end of report.

RELEVANT HISTORY: Change of use from vehicle repair to manufacturing of electrical equipment and erection of new workshop facilities to replace existing conditionally approved 1979. Extension to existing factory conditionally approved 1986. Erection of two portable offices for temporary use conditionally approved 1993. Retention of demountable office building (previously approved under UTT/0262/93/FUL) and retrospective application for erection of timber shed conditionally approved 1998.

CONSULTATIONS: ECC Archaeology: The nature of the development comprising a link between existing buildings means that it is unlikely to have a serious impact on the surviving archaeological deposits. Therefore on our present knowledge, no archaeological recommendations are being made on this application.

PARISH COUNCIL COMMENTS: No objections.

REPRESENTATIONS: None. Notification period expired 3 June.

PLANNING CONSIDERATIONS: **The main issues are whether the proposal would comply with policies relating to development in the countryside (ERSP Policy C5 & ULP Policy S7) and design (ULP Policy GEN2)**

The site is located outside Development Limits within open countryside where ERSP Policy C5 and ULP Policy S7 apply. These policies are restrictive and aim to protect the countryside for its own sake by specifying that only development which needs to take place there or is appropriate to a rural area will be permitted. This scheme relates to the extension of industrial units, which will join them together, and an increase in the associated parking and turning provision on the site. This is not development which is appropriate to a rural area and would result in additional built form being erected in the countryside which would be detrimental to the open and rural character of the countryside.

There is some vegetation surrounding the site however this will not screen the proposed development from views across the countryside and from the public footpath to the north. In addition, it is well established that unacceptable development does not become acceptable as a result of vegetation screening it.

The appearance of the proposed extension would match the existing industrial units and consequently, there is no objection to the proposed design. In addition, the development would be unlikely to result in any loss of amenity in terms of loss of privacy, overshadowing, loss of daylight or overbearing impact due to the distances between the site and the closest neighbouring properties.

CONCLUSIONS: The proposal would comply with the requirements of ULP Policy GEN2 however it would result in additional built form and parking spaces within the open countryside contrary to the requirements of ERSP Policy C5 and ULP Policy S7.

RECOMMENDATION: REFUSAL REASONS

The proposed extension and associated parking and turning areas would constitute additional built form within the countryside which is not appropriate to a rural area and would be detrimental to the open and rural character of the countryside. The proposal is therefore contrary to ERSP Policy C5 and ULP Policy S7.

Background papers: see application file.

UTT/0863/05/FUL - GREAT EASTON

Change of use of field to paddock.

Hyde Farm, Gallows Green. GR/TL 628-271. L Ford-Robertson.

Case Officer: Miss K Benjafield 01799 510494

Expiry Date: 02/08/2005

ODPM Classification: Major application

NOTATION: Outside Development Limits.

DESCRIPTION OF SITE: The site is located within the Gallows Green area of Great Easton approximately 1.3km east of the B184 and covers an area of 2.9ha. The area of land relating to this application is sited to the rear of a Grade II Listed Building and is bounded by mature vegetation adjacent to a road along the eastern boundary.

DESCRIPTION OF PROPOSAL: This application relates to the change of use of the land from agricultural for use as a paddock. The proposal initially included the erection of a stable block however following Officers' concerns relating to the stable building, the applicants have withdrawn this element of the proposal.

RELEVANT HISTORY: Two applications for extensions and alterations to the dwelling conditionally approved 2005.

CONSULTATIONS: Water Authority: To be reported (due 28 June)

Environment Agency: Makes advisory comments regarding disposal of liquid and solid animal waste.

Environmental Services: Applicant should be aware of BHS recommendations for stable size, including 12ftx12ft for a horse. Recommend condition preventing burning on site of waste produced as a result of the development.

Design Advice: Makes comments relating to the stable building. No comments relating to the change of use of the land.

PARISH COUNCIL COMMENTS: To be reported (due 7 July).

REPRESENTATIONS: This application has been advertised and one representation has been received. Period expired 14 July.

Letter received from occupiers of properties to east of the site, main points relate to concerns over the stable block and the possible use of the access road leading to the writers' properties.

COMMENTS ON REPRESENTATIONS: The main points relate primarily to the stable building and use of the access road adjacent to the site. The stables have now been withdrawn from the application and there is no new access proposed as part of this application onto the site from the lane.

PLANNING CONSIDERATIONS: The main issues are

- 1) whether the use of this land as paddock for the grazing of domestic horses would be acceptable development in the countryside that is appropriate to a rural area and protects or enhances the character of the countryside (PPS7, ESRP Policy C5 and ULP Policy S7) and
- 2) whether the loss of agricultural land is acceptable (PPS7, ESRP Policy NR8, ULP Policy ENV5).

1) In terms of the effects of the proposal upon the character and appearance of the countryside, it is considered that the grazing of the site by horses would not be an uncommon feature of a rural area. The use would have a minimal impact on the appearance and character of the area and it is therefore not considered to be inappropriate.

2) PPS7, the structure plan and the local plan state that the irreversible loss of the best and most versatile agricultural land will not normally be permitted unless there is an overriding need for development, which cannot take place on appropriate land of a lesser quality. The best and most versatile agricultural land is defined as Grades 1, 2 and 3A within the Agricultural Land Classification System. This is determined by the type, consistency and yield of crop potential. The current classification for the site is Grade 2. However, it is considered that the use of land for the grazing of horses not involving building would not result in the irreversible loss of land for agriculture.

CONCLUSIONS: It is considered that the use of the land as paddock would not involve the irreversible loss of the best and most versatile agricultural land. The use would retain the openness of the area as the site remains in the countryside where there is a strict control on new buildings.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. No lighting shall be erected within the application site bounded in red on the approved plan unless approved in writing by the local planning authority.
Reason: In order to protect the character and appearance of the countryside and the amenity of adjacent dwellings.
7. No animal waste shall be burnt on the site.
Reason: To protect the surrounding countryside and prevent pollution of the water environment.
8. Prior to the commencement of development, details of the arrangements for the off site disposal of animal waste shall be submitted to and approved in writing by the local planning authority. Subsequently, the disposal of animal waste shall be carried out in accordance with the approved details.
Reason: To protect the surrounding countryside and prevent pollution of the water environment.
9. This permission shall not relate to the erection of a stable building.
Reason: The stable building has been withdrawn from the application at the request of the applicants.

Background papers: see application file.
