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PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 15 OCTOBER 2008

APPL NO	UTT/0998/08/FUL
PARISH:	GREAT CANFIELD
DEVELOPMENT:	Long stay caravan pitch for one gypsy family
APPLICANT:	Mr T Boswell
LOCATION:	Canfield Drive Canfield Road
D.C. CTTE:	24 September 2008 (<u>see report attached</u>)
REMARKS:	Deferred for site visit and further information
RECOMMENDATION:	Approval
<i>Case Officer:</i>	<i>Consultant North 3 telephone 01799 510469/478</i>
Expiry Date:	27/08/2008

UTT/0998/08/FUL - GREAT CANFIELD

Long stay caravan pitch for one gypsy family

Location: Canfield Drive Canfield Road. GR/TL 572-209

Applicant: Mr T Boswell

Agent: Dr R K Home

Case Officer: *Consultant North 3 telephone 01799 510469/510478*

Expiry Date: 27/08/2008

Classification: MINOR

NOTATION: Countryside outside development limits.

DESCRIPTION OF SITE: The application site is a 0.93 hectare vacant parcel of grassland, which is hedged to all boundaries. There is an existing metal gate providing access into the site. Canfield Drive is a private road containing sporadic housing.

DESCRIPTION OF PROPOSAL: The development proposal is described as a "long stay caravan pitch for one gypsy family". The proposal is to site a 2-bedroom mobile home 14.63m x 6.1m in floor area and 4.3m high. It would be located towards the eastern side of the site, set back approximately 20m from the frontage hedge, generally in line with the dwelling to the east. The submitted details indicate that the existing hedging and gate would be retained.

APPLICANT'S CASE: The applicant (Mr Boswell) is a gypsy within the statutory definition and intends to live on site with his wife, also a gypsy. From my experience (as agent) of planning and gypsies over 28 years, I can confirm their status, and they are related to other gypsies in Essex, Cambridgeshire and Kent, for whom I have acted in the past. The applicant formerly lived on a single-family private gypsy site at Hamilton Road, Little Canfield (agent acted on the original appeal for it in 1983), but the land was allocated for housing and he sold it reluctantly in 2006, since when he has been stopping temporarily with his brother on land near Braintree. He and his wife have suffered health problems as a result of stress associated with the sale of the Hamilton Road land. There are additional compassionate personal factors of which the committee should already be aware. Mr Boswell was formerly self-employed in land related work, but has now stopped due to poor health.

Essex county council accepted that Mr Boswell was reluctantly displaced from his site at Hamilton Road, and have offered him the present site as alternative accommodation, on an option, subject to him obtaining planning permission. Mr Boswell wishes to be near his daughter, settled in Takeley.

Caravans would comprise a twin unit mobile home and touring caravan. The existing boundary hedge and access are to be kept. There is sufficient parking and turning space within the site.

The following conditions would be acceptable to the applicant: a limit to the number of caravans to be placed on site; controls on business activity on the site; retention of the existing boundary treatment (native planting). A personal condition would be acceptable, but the council should consider whether this would accord with advice on the use of conditions in Circular 01/06 (Planning for Gypsy and Travellers Caravan Sites).

With regard to alternative sites, Mr Boswell does not wish to be on a council site, but has discussed over several years with various officers at the council some possible sites, none of which justified an application. Sites include land at Aythorpe Road, Keers Green

(discouraged by officers at UDC following an appeal dismissal for 3 dwellings); Philpot End, Dunmow (seller withdrew); Thaxted Rd, Elsenham (UDC officers discouraged); nursery site at Thaxted (UDC officers discouraged); land at Broxted (negotiations commenced but under flight path); land at Hawkins Hill, near Finchingfield (UDC officers discouraged); and Duton Hill (UDC officers discouraged).

The proposed caravan is a mobile home (sometimes called a static), and conventional mobile home parks are generally recognised as unsuited to gypsy occupation (there are appeal precedents on these points).

RELEVANT HISTORY: There have been no relevant planning applications for this site. However, applications for new dwellings on vacant sites on Canfield Drive have been refused over the years.

CONSULTATIONS: UDC Policy: Policy advice requires an assessment of need within the District (which the Council does not have at the moment). Research has been commenced but the results will not be available until the autumn. The Council does not have high levels of unauthorised encampments (see figures below) which is usually seen as evidence of need.

Policy H3 in the East of England (Regional Special Strategy/RSS) says local planning authorities should make provision for sites/pitches to meet identified needs of Gypsies and Travellers living within or resorting to their area. Pending the single issue review to this RSS on Gypsy and Traveller accommodation, needs provision in Local Development Documents and decisions on planning applications should be based on the latest available information on need within the region and local area, in the context of the urgent need for improved provision across the region.

The single issue review on the RSS for gypsy and traveller sites gives UDC a provision of 15 extra pitches (a pitch is defined as an area of land where a gypsy or traveller household can reside. Typically this may contain a building, parking space and one or more caravans. Average number of caravans per pitch is currently estimated as 1.7. A site is an area of land comprising multiple pitches).

The Council will have to identify these 15 pitches through the Local Development Framework (LDF)/local plan review but this will be in the site specific or development control documents which have not yet commenced. The Core Strategy includes some general points about meeting housing need including the needs of gypsies, travellers and travelling show people.

Dealing specifically with this site, it is not ideally located because it is some way from shops and facilities in Takeley, but there are less sustainable locations. The Council should take account of the local connection if there are relatives living in Takeley. There is other development on the lane so it would not be critical in terms of impact on open countryside. However, in other circumstances, this application would be refused as inappropriate development in the countryside – in terms of precedent, need to be sure that the development proposed is consistent with the Circular and other advice.

Most up-to-date data:

Table 19: Count of Gypsy and Traveller Sites in Uttlesford – January 07				
	July 06		Jan 07	
	No of Sites	No of Caravans	No of Sites	No of Caravans
Socially Rented	1	18	1	18
Private	14	34	14	33
Total on Authorised Sites with PP	15	52	15	51
'Tolerated' sites without PP	1	1	1	2
'Untolerated' sites without planning permission	0	0	0	0
Total on Unauthorised Sites without Planning Permission	1	1	1	2

Source: UDC & Department for Communities and Local Government 2007

UDC Housing: To be reported

ECC Gypsy & Travellers Liaison Services: No comments to make.

PARISH COUNCIL COMMENTS: Wishes to express its concerns and those of significant number of residents in area who attended Parish meeting. Canfield Drive is a narrow private track on which very few houses were allowed at a time before current UDC planning policy was defined. The land subject of this application is agricultural land. Great Canfield is an entirely rural area outside any development areas defined by Policies S1 to S3. As such, Policy S7 only allows planning permission for development that needs to take place there. Parish Council is concerned that granting permission for residential use would permanently change status of land to Brownfield and allow greater development in future. Great Canfield is currently producing Village Design Statement, and although not yet complete, results of questionnaire to which some 70% of villagers responded, show that retaining rural nature of village was one of most important issues.

Applicant lived for a number of years on a plot in Takeley which he sold to developers. In view of this, Parish Council believes that applicant is capable of purchasing a site that conforms to planning policy, and there is absolutely no need for an exception to be made in these circumstances. Alternatively, an exception site is already available to applicant. Takeley Mobile Home Park has recently been expanded and homes of type proposed are for sale. That site also has benefit of amenities, including bus service, which are not available at Canfield Drive.

Parish Council also questions agent's inference that land was offered to applicant on compassionate grounds. In fact the land was placed on the open market through estate agents Lambert Smith Hampton, Chelmsford.

Parish Council has been directed to ODPM Circular 01/06 'Planning for Gypsy and Traveller Caravan Sites' for further background and can find nothing in document, or in this applicant's circumstances, that suggests that planning policies that are in place to protect all citizens and the countryside, should be overridden.

Great Canfield Parish Council would urge you, in the strongest possible terms, to refuse this application.

REPRESENTATIONS: 17 letters received, including 1 letter signed by 17 residents in Canfield Road (addresses not supplied). Notification period expired 29 July 2008. The following is a summary of the objections received:

1. Unacceptable redevelopment of a Greenfield site. Registered agricultural land
2. Village is in process of preparing design statement and results of questionnaire returned by 70% of village show overwhelming desire to retain Great Canfield's rural character
3. No mains services (water or drainage) to site. Water supply to existing dwellings is already inadequate.
4. Inadequate access. Canfield Drive is a narrow, single track private road
5. Mobile home would be excessively large, and not mobile.
6. Traffic movement of caravan/mobile home would create great difficulty.
7. Erosion of area's character and appearance. Mobile home would be out of character with general style of houses in vicinity
8. Reduction in property values
9. Proposal is speculative and applicant is in position to buy site that already has planning permission
10. Precedent for further development
11. There is a mobile home site in Takeley, which would provide better access to facilities for applicant, and closer proximity to family
12. Although understand accommodation must be provided for gypsies, planning policies should be applied equally to all. Discrimination whether positive or not should not occur.
13. Contrary to Council's policies to protect countryside for its own sake.
14. Poor access to public transport and other facilities
15. Other interested parties in land had been told by council that there would be no potential for planning permission
16. The private road is in poor condition
17. It would be inconsistent to grant this when applications have been refused for other developments by local residents.
18. Potential increase in number of occupants and caravans at site if permission granted. Two-acre plot for a mobile home is excessive.
19. There is alternative social housing available at Priors Green.
20. Site is in Green Belt
21. Not in a location where infill development is allowed
22. Would intensify an already unsatisfactory junction with Canfield Road.
23. Impact on local road bridge with weight restriction.

COMMENTS ON REPRESENTATIONS: The policy background and impact on highway safety are addressed in the following section of this report. The impact on property prices is not a material planning consideration. The site is located in the countryside, but is not in the Metropolitan Green Belt. The applicant's ability to purchase an alternative site is not relevant to the consideration of the merits of this application.

PLANNING CONSIDERATIONS including Design & Access statement: The main issues are

- 1) **The principle of residential use of this greenfield site in the countryside, and whether there are other material planning considerations (ODPM Circular 01/06; RSS Policy H3; ULP Policy S7);**
- 2) **The impact on residential amenity (ULP Policies GEN2 & GEN4);**
- 3) **The impact on highway safety (ULP Policy GEN1) and**
- 4) **The impact on wildlife (PPS9 and ULP Policy GEN7).**

1) The application site is a greenfield site devoid of buildings, outside any development limit. National and local planning policy direct new housing towards existing settlements and facilities, and new housing in the countryside is only permitted in exceptional circumstances. In accordance with national policy, ULP Policy S7 states that the countryside will be

protected for its own sake, and that planning permission will only be given for development that needs to take place there, or is appropriate to a rural area. There will be strict control on new building, and 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. In this context, the construction of a mobile home or permanent dwelling on this site would be contrary to both national and local planning policies, unless required exceptionally, in association with for example agriculture.

However, there is policy recognition of the need to make provision for housing for the Gypsy and Traveller population (for the purposes of this report, hereafter reference to 'Gypsy' will encompass both Gypsy and Traveller). National policy seeks to ensure that members of Gypsy communities have the same rights and responsibilities as every other citizen, including access to housing.

To provide some background, it should be noted that there have been planning appeals and case law which have established that the provision of gypsy accommodation is the only area of planning control where the lifestyle of the applicant, and the need to maintain it, is a material consideration. Positive discrimination towards the provision of gypsy caravan sites was promoted following the 1977 Cripps Report. Subsequent cases involving the Human Rights Act also established that applications for gypsy accommodation could not be considered solely in planning policy terms. Personal factors could be taken into account, including for example, old age, health, and break up of families.

For the purposes of considering this application, Gypsy and Travellers are defined as: *"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organized group of travelling show people or circus people travelling together as such"*. The fact that the applicant in this case has ceased to travel at this current time does not therefore mean that he does not accord with this definition.

Current national guidance is set out in Circular 01/06, 'Gypsy Sites', which states that Gypsies and Travellers are believed to experience the worst health and education status of any disadvantaged group in the country. It is intended that the housing needs of the Gypsy community will be addressed through the LDF process, with allocation of sites. Local housing authorities must also include Gypsies in their accommodation assessments and take a strategic approach to demonstrate how the accommodation needs of this group will be met as part of the wider housing strategy. At this stage, the East of England Plan (Regional Spatial Strategy) has identified that a further 15 pitches are required within the Uttlesford District. The table above sets out the current provision in the District, but it is understood that none of these are currently available to the applicant. The applicant does not wish to occupy a public site, but this would not justify refusal of the current application.

The main intentions of Circular 01/06 were stated as (in summary):

a) to create and support sustainable, respectful, and inclusive communities where gypsies and travellers have fair access to suitable accommodation, education, health and welfare provision; where there is mutual respect and consideration between all communities for the rights and responsibilities of each community and individual; and where there is respect between individuals and communities towards the environments in which they live and work;
b) to reduce the number of unauthorised encampments and developments and the conflict they cause
c) to increase significantly the number of gypsy and traveller sites in appropriate locations with planning permission in order to address under-provision

- d) to recognise, protect and facilitate the traditional travelling way of life of gypsies and travellers, whilst respecting the interests of the settled community;*
- e) to underline the importance of assessing needs at regional and sub-regional level and for local authorities to develop strategies to ensure that needs are dealt with fairly and effectively;*
- f) to identify and make provision for the resultant land and accommodation requirements;*
- g) to ensure that Development Plan Documents include fair, realistic and inclusive policies and to ensure identified need is dealt with fairly and effectively;*
- h) to promote more private gypsy and traveller site provision in appropriate locations through the planning system, while recognising that there will always be those who cannot provide their own sites; and*
- i) to help to avoid gypsies and travellers becoming homeless through eviction from unauthorised sites without an alternative to move to*

Paragraph 13 of the Circular states that “many gypsies and travellers wish to find and buy their own sites to develop and manage. Increasing the number of approved private sites may also release pitches at local authority sites for gypsies and travellers most in need of public provision.” It should be noted that this application is for a single pitch rather than a larger site containing a number of pitches. It is however considered that the Government guidance envisages the release of some Greenfield land to meet this demand.

The Circular advises that in advance of sites being identified through the LDF process, temporary permissions may be justified where there is unmet need, no available site provision in an area, but a reasonable expectation that new sites are likely to become available at the end of that period. It may not however be reasonable to impose such restrictive conditions where there is financial outlay involved. In areas where there is a lack of affordable land to meet local gypsy and traveller needs, councils may consider a rural exceptions site policy. In formulating such a policy, authorities should consider in particular the needs of households who are either current residents or have an existing family or employment connection. More sensitive designations such as green belt sites, Sites of Special Scientific Interest, conservation areas, etc., may not be suitable sites, but local landscape and local nature conservation designations should not be used in themselves to refuse planning permission for gypsy sites.

The circular states that rural settings, when not subject to special planning constraints, may be acceptable in principle. In assessing the suitability of such sites, local authorities should be realistic about the availability, or likely availability of alternatives to the car in accessing local services. The site should respect the scale of, and not dominate the nearest settled community. They should also avoid placing undue pressure on the local infrastructure.

In this case, the applicant has sought alternative sites, none of which have proved suitable for various planning reasons. In this case, although the site is greenfield and in a rural area, it is located approximately 3km from Takeley and its facilities. It is not far from a site for a new dwelling where the Inspector declared the site to be sustainable. The applicant has settled family in Takeley. Although the siting of a mobile home and touring caravan would have a visual impact on the character and appearance of the landscape, there is already sporadic housing in Canfield Drive, and such development would not appear unduly out of place. Case law has established that local connections with an area, plus factors such as age and health can be material considerations.

In advance of the allocation of further public sites through the LDF process, it is considered likely that there are insufficient sites available to meet this particular need. In any event the applicant does not wish to occupy a public site, and guidance suggests private pitches relieve public pitches for those in need of them. In addition, the local connection to Takeley is a material consideration. However, if this proposal were to be considered acceptable, it

would be an exception to normal policies, as required to meet a particular housing need. It would be on the basis of meeting the needs of the applicant and to maintain his gypsy lifestyle, but would not be a precursor to the construction of a permanent dwelling. In this context, the siting and scale of development is considered acceptable.

However, it is not considered that this site is necessarily appropriate as a long term gypsy or traveller site. The merits of the proposal are influenced by the personal circumstances and local connections of the applicant, and as such it is appropriate to limit occupation through conditions. The Royal Town Planning Institute advises that “the granting of special circumstances permissions and applying personal conditions should, on the grounds of equality, be avoided as far as possible, and be as rare for the Gypsy and Traveller communities as they are for applications from the settled community. As the policy framework develops, and allocations make land available, it should become normal practice to grant planning permissions that authorise uses and developments consistent with a nomadic way of life, not particular occupancies by particular individuals or families, granted as policy exceptions”. However, at this stage in the LDF process, the application must be considered as an exception, and a personal permission would be appropriate for any occupant of the land, be it traveller or someone from the settled community. It is considered that all the recommended conditions would meet the tests of Circular 11/95, ‘Use of Conditions in Planning Permission’, as without these controls the application would be recommended for refusal. Although personal permissions should not normally be used where there would be significant financial outlay, in this case without a personal permission the recommendation would be refusal. It will be the applicants decision whether to pursue a sale restricted by a personal permission.

There has been considerable public representation in response to the application, but many local residents are concerned that this would set a precedent for further residential development in the area. It has already been stated that the site would not be suitable for the construction of a permanent dwelling, and the provision of an occupancy-restricted mobile home for the applicant and his immediate family would not set a precedent. Any other application for a mobile home in the district would need to demonstrate comparable circumstances.

2) The application site is large and the mobile home would be well separated from surrounding dwellings. Subject to conditions limiting business activity on the site, and the number of caravans, it is not considered that the proposal would have any materially adverse impact on the amenity of other residents in the area. Conditions are recommended retaining the existing boundary planting.

3) Canfield Drive is a private road serving a number of dwellings. There is an existing gate and access into the site, and it is not considered that the additional traffic generated by one residential unit would significantly impact upon the use of the road and highway safety. Although moving a mobile home onto the site would create some difficulties, this would be a transitory event. Traffic movements of a touring caravan would be no more hazardous than occasional delivery or refuse vehicles.

4) The existing hedgerow would afford some wildlife benefits, but otherwise the site is open grassland. Subject to conditions requiring the retention of the existing native planting to boundaries, it is not considered that the existing wildlife would be harmed.

CONCLUSIONS: The need to make provision for gypsy accommodation is recognised. The RSS requires 15 extra pitches to be located with the District, but site allocation will be through future stages of the LDF. Although not ideally located in relation to an existing settlement, the site has the benefit of being within a residential hamlet, and accessible to facilities and services of Takeley. The applicant has local family connections with Takeley.

Although not ideally placed for a permanent traveller site, subject to appropriate conditions limiting occupation, the personal circumstances of the applicant make the site suitable for a personal permission. Any future applicant would need to demonstrate comparable circumstances. The provision of a mobile home on the site would not set a precedent for the construction of a permanent dwelling on this or other sites in the area.

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.13.4. Personal occupation of mobile home with reinstatement.
4. C.6.2. Excluding all rights of permitted development within the curtilage of a dwelling house without further permission.
5. No more than one twin unit mobile home and one touring caravan shall be sited on the land subject of this application at any one time, with the exception of two short-term visitor caravans at a time, which may remain on site for up to fourteen consecutive days, with no return to the site within 28 days.
REASON: in the interests of the appearance of the site and the rural landscape.
6. No business operation involving storage of vehicles and machinery shall take place on any part of the application site without details specifying the area of the site involved, the type and extent of the storage, and the proposed hours of operation first being submitted to and approved in writing by the local planning authority. The business activity shall thereafter operate in accordance with the approved details unless otherwise first submitted to and agreed in writing by the local planning authority.
REASON: in the interest of the appearance of the site and the amenity of surrounding residents.
7. C.8.22. Control of lighting.
8. C.4.1. Scheme of landscaping to be submitted and agreed.
9. C.4.2. Implementation of landscaping – hard landscaping .
10. C.4.5. Retention of hedges.
11. C.8.27.Drainage Details to be submitted agreed and implemented.
12. C.8.27.A.Surface water disposal arrangements.

Background papers: see application file.

UTT/1261/08/OP - SAFFRON WALDEN

(Called in Cllr Sadler)

(Reason:)

Proposed dwelling

Location: 95 Radwinter Road. GR/TL 548-385

Applicant: Mr W Dew

Agent: Mr W Dew

Case Officer: Ms K Hollitt 01799 510495

Expiry Date: 15/10/2008

Classification: MINOR

NOTATION: Within Development Limits/Zone 2 Flood Plain.

DESCRIPTION OF SITE: The application site is located to the west of Elizabeth Way to the rear of 93 and 95 Radwinter Road. To the north is Carnation Drive. The site is accessed via a track running along the northern boundary of properties fronting onto Radwinter Road. To the south of this track are various garages and parking spaces. The site forms part of the rear garden to 95 Radwinter Road, extending to the rear of 93 Radwinter Road. It has a width of 7.818m and a depth of 21m (164m²). The site is predominantly grassed, with hardstanding providing parking for 1 vehicle. There are some small fruit trees within the site and a large Eucalyptus tree adjacent to the boundary.

DESCRIPTION OF PROPOSAL: The proposal relates to an outline application for a dwelling with matters of access, appearance, landscaping, layout and scale reserved for future consideration. The Design and Access statement states that the proposed dwelling would occupy approximately 60% of the ground area of the site and would be of similar overall dimensions and size to the properties 93-97 Radwinter Road. The indicative drawings show a dwelling having a frontage of 5.6m and a depth of 15.5m. The proposed dwelling would be constructed 3m from ground level resulting in an eaves height of 9.25m and a ridge height of 11m.

APPLICANT'S CASE including Design & Access statement: Both the proposed site, and the areas of garden associated with the properties in the near vicinity, are either underutilized garden, concrete hardstanding for cars, or garages/sheds. As such, we propose there is no loss to any existing landscaping value through the proposed development. The property to the north is already shielded by mature trees planted at their boundary. Further screening would be created through the use of appropriate trees and hedges around the boundaries to the east, south and west. External materials are undefined. They would be chosen to fit in with the materials used on the surrounding properties, in order to blend the dwelling with those in the vicinity.

RELEVANT HISTORY: None.

CONSULTATIONS: Highways: De minimus.

Water Authority: Within a Source Protection Zone. Construction works and operation of proposed development site should be in accordance with relevant British Standards and Best Management Practices.

Environment Agency: Object as the sequential test has not been satisfied.

Fisher German: No comments.

Environmental Services: None received.

Drainage Engineer: Application fails the sequential test. In the event of an approval flood risk management measures condition will be required.

Building Surveying: Satisfactory.

Lifetime Homes Standards: Dwelling needs to be compliant. Level access at entry level required.

Sustainability: No details provided. Will need to achieve Code level 3 equivalent.

TOWN COUNCIL COMMENTS: Object. Would create a precedent for building at the rear of Radwinter Road on an inadequate access and would result in cars currently using this access for off-street parking, parking on Radwinter Road instead, close to a junction.

REPRESENTATIONS: 19 letters of representation received. Notification period expired 11 September 2008.

Building and parking is now almost at saturation point. Any more building would add to the parking problems already experienced.

Strong objection. Applicant states property to north is shielded by mature trees. The hedge on my boundary is kept trimmed at 8 foot and is not continuous. An 8ft hedge would not shield me from a 4 storey building. Would lose any privacy as windows will be directly overlooking my garden and back of my house. Unmade track not suitable for access of any vehicles other than cars or light vans. Track was originally put in for the sole purpose to enable residents of Radwinter Road to have access to off-road parking and garaging to alleviate some of the problems to the front of their houses. Allowing this development would mean vehicles from 95 parking back on Radwinter Road. There would be no access for refuse lorry.

Strongly object. Proposed dwelling is much too large and overbearing for location. Too close to boundary of my property and would cast heavy shading and loss of light. As property is to be built on stilts I would lose total privacy. Access road covers the culvert of the river Slade and large buildings and lorries could damage this and cause flooding to my property. Would set precedent for further development. My fences to the bottom of the garden are constantly being damaged by vehicles turning in the lane and an increase in vehicle movement would increase noise and pollution and risk of further damage.

Object. Proposed structure is totally inappropriate and out of character. Housing close by is 2 or 3 storey whereas this is 4 storey. Whilst 1 house will have little impact on risk of flooding this could set a precedent and then there would be a significant change to flood risk in this area. A number of properties will be overlooked by proposed structure. Access is extremely limited on unmade pathways.

Object. Overall height will be unsuitable due to proximity of existing housing along Carnation Drive and Hamilton Mews. Will result in a reduction in light due to overshadowing and lack of privacy. Will contribute to a negative change to the character of the area. Loss of off-street parking for existing property. Existing parking causes obstruction to the free flow of traffic especially HGVs. Access road is unsuitable for emergency vehicles and construction traffic. Rich biodiversity of the area surrounding the proposed development will be affected. Proposed parking for 1 car is inadequate as there is no provision for the parking of additional vehicles on the unadopted road. There appears to be no green space with the proposed property. Increased noise levels during construction and as a result of more people living in the vicinity.

Application fails to give sufficient detail. Not clear whether all four storeys will be above ground or whether the lower floor is wholly or in part below ground level. Culverted River Slade is not discussed. A four storey property should not be built on top of a river. No discussion of construction process. Wording of application refers to 60% of site area being built on but drawing shows about 80%. We estimate there to be about 20 cars regularly using the back lane and not 10 as stated in the application. Remarks about water table are confusing and misleading. Fact that bottom storey would not be living accommodation is irrelevant. Overall square area of building would determine the loss of land to soak up rainfall. Paving of more land around the course of the Slade might contribute to flood risk. Council is under pressure to reach a government imposed target of some 4000 new homes within the district. A large proportion of the new homes are intended to be low-cost 'starter'

homes. This large and experimentally designed building would not be low cost. It could paradoxically reduce the potential for homes of a more appropriate nature to be built in the future.

Proposed dwelling would severely reduce natural light to surrounding gardens. New dwelling would prohibit and restrict any future potential structured development in the area. The mature trees would not screen the building.

Totally inappropriate to build houses in residential gardens and will lead to a built up and overlooked feel.

Four storey modern building would not be in keeping with the housing in the immediate area and would constitute an eyesore. No emergency service access.

Would overshadow the rear of our garden and hamper the growth of fruit trees and vegetables. Building would serve no purpose to the community or local residents.

Would seriously spoil the outlook and unspoilt Victorian landscape. Proposed dwelling would seriously affect access to the rear of my property and probable parking, which would result in having to park at the front of my property on an already over capacitated and busy road.

COMMENTS ON REPRESENTATIONS: The application is for outline permission and full details of the proposed dwelling are not required to be submitted at this stage.

PLANNING CONSIDERATIONS including Design & Access statement:

The main issues are

- 1) **whether the principle of residential development is appropriate in this location (ULP Policies S1, H3, H4 & GEN3);**
- 2) **whether the proposal would be appropriate for this area and whether any amenity issues would result (ULP Policies H4 & GEN2 & SPD: Accessible Homes and Playspace);**
- 3) **whether there would be adequate access and parking provision for the proposed dwelling (ULP Policies GEN1 & GEN8);**
- 4) **Other material planning considerations.**

1) The site is located within the development limits and forms part of the garden area to a residential property. The site is surrounded by residential development and therefore there could be a presumption in favour of residential development. However, in this instance the site is located within a Zone 2 flood plain where there is a policy presumption against development. National Policy in PPS25: *Development and Flood Risk* requires local authorities to apply the Sequential Test (a process where development is allocated to certain types or locations of land before others) when considering development proposals and the aim is to steer new development to areas at the lowest probability of flooding. The accompanying PPS25 Practice Guide states (sites not identified for development in the Development Plan), in relation to windfall sites, at paragraph 4.32:

“Where the Sequential Test has not been applied to the area, proposals will need to be dealt with on an individual site basis and the developer will need to provide evidence to the LPA (Local Planning Authority) that they have adequately considered other reasonably available sites. This will involve considering windfall sites against other sites allocated as suitable for housing in plans.”

The developer has carried out a flood risk assessment in respect of the proposals but has not carried out the sequential test. Within the Uttlesford District sufficient land has been allocated for housing to meet the needs of the district and other windfall sites outside of the flood plain could potentially become available. There is no overriding need for the proposed development and therefore no justification for permitting the development of this flood plain and the proposals therefore fail the sequential test. The failure of the sequential test

outweighs the policy support for development within a built up settlement and the proposal is therefore inappropriate and contrary to Policy GEN3 (Flood Protection).

2) The proposal relates to an outline application for residential development with all details reserved. However, the indicative scale of the proposal has been included with the application and show a substantial dwelling. The application site is visible from Elizabeth Way and the long back gardens to the properties fronting onto Radwinter Road result in creating a general character of a green lung in an urban area interspersed with small garages and parking areas. The erection of a dwelling in this location would result in a visual intrusion into the character of this area resulting in a detrimental harm to the area. As the application relates to an outline application the potential to limit the size of development could be considered appropriate, particularly in view of the concerns of local residents in respect of the scale of the proposals. However, due to the location of the site within the flood plain, together with a requirement from the Environment Agency, should the sequential test be passed, for any development to have non-residential accommodation on the ground floor, it is considered that a two storey dwelling would be the smallest building capable of being accommodation within the site. Due to the low-key nature of buildings in this backland location it is considered that even a two storey dwelling would have a detrimental impact on the character of the area.

The Environment Agency's requirement to have no living accommodation at ground floor level would result in a dwelling having main living room windows located at first floor level. Due to the location of the site in a backland location this is likely to give rise to significant overlooking issues. The proposed dwelling as shown on the indicative block plan would be approximately 9m from the rear boundary of 21 Carnation Drive. If windows were to be inserted into the northern elevation of the proposed dwelling this would result in a loss of residential amenity to the occupiers of this through overlooking. The existing screening at this property is maintained at around 8ft and would not be sufficient to screen any new dwelling and protect its amenity. Windows in the eastern and western elevations should not result in such a loss of residential amenity as these would be overlooking garages, parking areas and the less private areas of the rear gardens of the Radwinter Road properties. If the proposal was to relate to a dwelling of more than two storeys in height it is likely that the proposals would have a detrimental impact on the amenities of properties located in Carnation Drive due to overbearing impact.

The Environment Agency's requirements would also have an impact on the potential for the proposed dwelling to comply with the Council's requirements in relation to Lifetime Homes Standards. It would not be possible to have a level entrance and the application does not provide sufficient information to demonstrate how the proposed dwelling could be adapted to satisfy these standards.

The proposed indicative plans submitted with the application indicate that insufficient land would be available to provide amenity space to serve the property. The indicative garden would be approximately 2m in depth and 7.8m in width, giving an amenity area of approximately 15.6 square metres. The lack of amenity space together with the excessive scale of the proposed development indicates that this would represent overdevelopment of the site.

3) The proposed dwelling would be located off an access track serving properties fronting onto Radwinter Road. This track provides access to a substantial number of properties and is limited in width, approximately 3m for most of the distance. It appears that approximately 15 properties regularly use the track for vehicular access and parking. The track is of insufficient width to enable access for fire tenders or refuse vehicles and no turning facilities are available. The site does not appear to be of sufficient size to enable vehicles to manoeuvre within the site and enter and leave in a forward gear. A dwelling of

the size envisaged would require a maximum parking standard of 3 spaces and it would appear that only one space would be available under the proposed dwelling. Furthermore, the development of this site would result in the loss of a parking space to serve 95 Radwinter Road and would lead to an intensification of parking on Radwinter Road in close proximity to the junction with Elizabeth Way and Horn Book. It is therefore considered that the proposals would fail to make provision for sufficient parking provision to serve the existing and proposed properties and would be likely to lead to an increase in highway dangers through additional on-street parking. It is considered that the additional vehicular movements associated with a single residential unit should be capable of being accommodated by the wider local road network.

4) The site contains various trees which would have to be removed in order to accommodate the proposed development. These are likely to play a small part in supporting the biodiversity of the locality, but not of such significant importance to warrant a refusal of the scheme. Adjacent to the boundary of the site is a large Eucalyptus tree situated on land outside of the applicant's ownership. The application has not been supported by an Arboriculturist Report indicating how the proposed development could be carried out without having a detrimental impact on the long term health and viability of this tree. The application forms incorrectly state that there are no trees likely to be affected by the proposal.

The proposed dwelling would not be accessible to refuse vehicles due to the restricted width of the access track. Refuse collections would have to be collected from Elizabeth Way and this would require the occupiers of the property to wheel their bins approximately 35-40m. These would have to be left close to the parking court serving the Elizabeth Way properties and this could lead to highway dangers to pedestrians, particularly those of limited mobility.

CONCLUSIONS: The proposal would be located within a flood plain and fails the sequential test. The development of this site would be out of keeping with the character of the area and the proposal represents overdevelopment of the site. Insufficient parking provision and limited access to the site are likely to result in increased highway dangers through additional on-street parking and the need to leave wheelie bins a long distance from the proposed dwelling.

RECOMMENDATION: REFUSAL REASONS

1. The erection of a dwelling is unacceptable because it would result in a new dwelling within a floodplain for which there is no exceptional need and would fail the requirements of the sequential test as there are reasonably available options for the erection of new dwellings in lower flood risk zones. The proposals would be contrary to ULP Policy GEN3 and PPS25.
2. The erection of a dwelling would represent overdevelopment of the plot, out of character with the locality. The proposed development of this site would represent a significant visual intrusion into the undeveloped character of this backland location and would be detrimental to the visual characteristics of the area. The proposals fail to make adequate provision for amenity space to serve the property. This would be contrary to the provisions of ULP Policies S1 and GEN2.
3. The erection of a dwelling in this location would result in development which would have an adverse impact on the residential amenity of adjoining properties. The proposed dwelling would result in adverse overlooking issues and the indicative scale of development would result in an overbearing impact on the properties to the north. This would be contrary to the provisions of ULP Policy GEN2.
4. The proposals would result in the loss of off-street parking provision to serve 95 Radwinter Road and would provide insufficient off-street parking to serve the proposed development. This would result in an increase in on-street parking which would result in

increased highway dangers. This would be contrary to the provisions of ULP Policy GEN8.

5. The proposals fail to show how they would satisfy the lifetime homes requirements set out in the council's adopted supplementary planning document, 'Accessible Homes and Playspace', and as such would not provide accessible housing for all sectors of the community.
6. The proposed dwelling would be located in close proximity to a large Eucalyptus tree located on land outside of the applicant's control. This tree could have potential constraints in respect of the proposed development, in particular the scale of the new building and insufficient information has been submitted to demonstrate the lack of impact on the tree.

Background papers: see application file.

UTT/1397/08/OP - TAKELEY

Outline application for erection of 4 no. detached dwellings with all matters reserved.

Relocation of 2 no. vehicular accesses

Location: Avondale and Ferndown The Street. GR/TL 540-212.

Applicant: Mr M Clack & Mr C Furrer

Agent: Mr A F Weaver

Case Officer: *Consultant South 3 telephone: 01799 510452/510471*

Expiry Date: 16/10/2008

Classification: MINOR

NOTATION: Within Development Limits; access onto Class B road.

DESCRIPTION OF SITE: The site comprises two plots on the southern side of The Street, each containing a detached bungalow. Ferndown, the 2-bedroom property to the west, has a single storey flat roofed side extension and large timber garage in the front garden. The remainder of the front garden is block paved for parking and turning of vehicles. There is a gated vehicular access to that property.

Avondale, the 4-bedroom dwelling to the east, has a flat-roofed rear extension. There is no garaging, but the frontage is hardsurfaced for vehicle parking. There is vehicular access to the site, and hedging along the front boundary. Both dwellings back onto the Fritch Way and its mature tree and hedge planting.

The street scene is mixed with significant variation in dwelling types, designs and size. To the east of Avondale is a single storey dwelling of similar height to the application dwellings, and to the west of Ferndown is a taller chalet. Opposite are a mix of houses and chalet-style properties.

DESCRIPTION OF PROPOSAL: The proposal is to replace both bungalows with two detached dwellings on each plot. The application is in outline with all matters reserved for subsequent approval. The development is described as "erection of four new detached dwellings". However, the submitted design and access statement refers to the construction of four 1½-storey dwellings, two at 9m deep x 6m wide and two at 7m deep x 5m wide, and all 6.225m high. An indicative layout plan marks the position of 4 buildings and two access points, and an indicative plan indicates the building forms. Contrary to the submitted statement, the submitted block plan shows one of the larger dwellings 10.5m deep, one of the smaller units 7.5m deep, both smaller units more than 5m wide, and the 2nd large unit almost 7m wide.

APPLICANT'S CASE including Design & Access statement: site area is 0.093 hectares. Proposal is to construct four detached 1½ storey dwellings. Precedent exists on development two plots east of site, at Ardlui. Subject to highways consent, access would be served by two combined accesses. No design details are included at this stage, but existing street scene is of varied age and details. With sensitive design it is envisaged that 2 detached properties of reasonable size and 2 of smaller size to comply with Local Plan Policy H10 will complement area in both appearance and provision of good quality family accommodation. All four dwellings will be 1½ storey with rooms in roof. Materials would be either clay bricks or combination of brick and render to harmonise with local surroundings and adjoining properties. Roofs would be clay tiles or slate.

Landscaping scheme will be submitted at detailed planning stage. New 1.8m high fences will divide rear gardens but front gardens would be shared to provide good access and safe

turning areas. There would be at least 2 parking spaces per dwelling. Front boundary hedging would be removed but replacement planting will be included in any proposal.

Each dwelling would be nominally 9m x 6m wide and approximately 6.225m high. Two dwellings would be significantly smaller, nominally 7m x 5m wide with probably 1 bedroom and 1 reception room less than the major properties proposed.

Application includes ecological scoping survey carried out on 25 July 2008.

Ecological scoping survey - in summary, to rear of both properties is Flitch cycleway and Hatfield Forest which offer bat foraging and ranging habitat. Unlikely that development will impact on ability of bats to use these habitats. No evidence of use by bats of either dwelling. Development is unlikely to impact upon any local badger or dormouse population. Nature of pond on site makes it unlikely to be suitable for great crested newts. Site does not contain habitat suitable for reptiles or stag beetles. Any clearance of nesting habitat should be completed outside bird nesting season. Conclusion is that site is of low ecological value and currently does not contain habitat suitable for rare or protected species, but further bird nesting survey should be undertaken.

RELEVANT HISTORY: UTT/0820/08/OP - outline application for erection of four dwellings with all matters reserved - withdrawn July 2008

CONSULTATIONS: Thames Water: no objection with regard to sewerage infrastructure. Water supply is covered by Three Valleys Water.

Three Valleys Water: no comments received. Any received to be reported to Committee meeting.

ECC Transportation: no objection subject to conditions

Natural England: no comments received. Any received to be reported to the Committee meeting.

Essex Wildlife Trust: raises a holding objection due to lack of survey data. Before a decision can be made a full scoping survey of site will need to be carried out to give an accurate picture [NB it is considered that a full scoping survey was submitted with the application, and further clarification has been sought from EWT, and will be reported at Committee meeting]

Essex Bat Group: no comments received. Any received to be reported to the committee meeting.

BAA: no comments received. Any received to be reported to the Committee meeting.

UDC Building Control: no adverse comments; all new dwellings will be required to meet lifetime homes standards, but there is no information to indicate compliance at this stage; no details of sustainability provided. Will need to achieve code level 3 equivalent.

PARISH COUNCIL COMMENTS: objections - information provided is extremely limited. Over intensification of site. Further loss of bungalows to housing stock within community. No garages indicated.

REPRESENTATIONS: None received. Notification period expired 11 September 2008

PLANNING CONSIDERATIONS including Design & Access statement:

The main issues are whether

- 1) the principle of replacing two bungalows with four dwellings would be acceptable (PPS3; ULP Policies S3, GEN2, H3, & H10);
- 2) the size and scale of the indicated dwellings would be acceptable in street scene terms and in relation to the amenity of adjacent residents (ULP Policy GEN2);

- 3) **the proposal would have any adverse impact on highway safety (ULP Policies GEN1 & GEN8);**
- 4) **there would be any adverse impact on any legally protected wildlife (PPS9 and GEN7) and**
- 5) **other material planning considerations.**

1) & 2) The application site is within development limits for Takeley, and as such there is no objection in principle to the replacement of the existing bungalows with more units, provided that the development is compatible with the settlement's character and countryside setting. A re-development of this site is therefore acceptable in principle subject to the proposal complying with any other relevant development plan policies.

National Policy expressed in Planning Policy Statement 3 – Housing (PPS3) requires that new development should make efficient use of land and sets a minimum density of 30 dwellings per hectare (dph). However, the application site is 0.093 hectares, and the current density is approximately 21.5 dph. This is compatible with the general pattern of development in the area. The proposal would increase the density to 43dph, which is considered excessive in this settlement in the countryside. Provision of three units on the site would equate to 32.3 dph.

Although there is no objection in principle to increasing the number of units on the site in order to make more efficient use of land, an increase to four units would be overdevelopment of the site, and would appear unacceptably cramped in the street scene. Although the design and access statement indicates that two of the units would be smaller to meet the requirements of ULP Policy H10, the indicative site layout and street scene shows four dwellings that would appear unacceptably cramped in contrast to the more spacious plots in the vicinity.

Although a number of plots have been redeveloped locally, these have generally been on larger plots or have proposed semi detached houses such that greater spacing has been achieved on site. The submitted layout makes no provision for garaging or parking, and as the highway authority requires on-site turning to enable vehicles to leave in forward gear, it is not obvious how the parking and manoeuvring space for four dwellings may be provided on site. It has not been demonstrated that the provision of four detached dwellings and associated parking and turning on this site is achievable, while still being compatible with the general development pattern in the vicinity of the site. Compared to adjacent plots space between buildings and amenity space would appear cramped. Further details were requested to demonstrate how the development would be accommodated, but this has failed to show that the development would be appropriate and compatible with the setting.

The submitted layout indicates that dwellings could be sited without unacceptable projection forward or behind the adjacent dwellings, but as no provision is shown for garaging, there is potential for relocation of the properties or further built form for this function. This could potentially have an adverse impact on the bungalow and chalet that flank the site. Garden areas in the vicinity are relatively shallow, and as such any increase in potential built form could materially impact on the amenities of those properties.

3) The highway authority has raised no objection to the development, which includes the provision of two shared accesses. If the principle of the development were considered acceptable, conditions could be imposed to ensure highway safety would not be impaired. The resultant intensification of traffic movements on to this main road would not be detrimental to the free flow of traffic and highway safety.

4) An ecological scoping survey has been submitted with the application that identifies no presence of legally protected species on site. Further information is sought from Essex

Wildlife Trust to clarify why a holding objection has been lodged, given that the survey has been submitted. Any further information received will be reported to the Committee and if necessary an additional reason for refusal provided. On the assumption that the holding objection will be removed it is not considered that the development would be harmful to protected species.

5) (a) The applicant has cited a precedent at 'Ardlui' close by. However, that site had a frontage of approximately 16.5m and was considered suitable for a pair of semi-detached dwellings. In contrast, the combined width of the application site is approximately 30.05m (i.e narrow pro rata) and therefore of insufficient width to accommodate four detached units.

(b) As an outline application no details have been submitted to demonstrate compliance with lifetime homes standards or sustainability standards. If the application were considered acceptable, appropriate conditions could be added to address these points.

CONCLUSIONS: it has not been demonstrated that the site is capable of accommodating four detached dwellings without appearing cramped in the street scene. No provision has been shown for garaging and parking. The proposal would amount to approximately 43 dph, and this is considered unacceptably high in this rural settlement, and out of keeping with the more spacious development in the vicinity. Although there is no objection in principle to redevelopment of the sites, it is not considered that it has been demonstrated that four detached units can be accommodated without harm to the street scene, and potentially the amenity of adjacent residents.

RECOMMENDATION: REFUSE

Although this site is located within development limits, it has not been demonstrated on the basis of the submitted information that the site can accommodate four detached dwellings without adverse impact on the street scene, and potentially the amenity of adjacent residents. The development would appear unacceptably cramped in the street scene in contrast to the more spacious plots in the vicinity, and at 43 dwellings per hectare would be unacceptably dense in this rural settlement. The submitted information makes no provision for garaging to serve the new dwellings, and as such it is not considered that the units shown are likely to be sufficient to provide the basic accommodation of detached houses. The development in the manner indicated would not be compatible with the character of the settlement, and would be out of keeping in terms of scale, form, layout and appearance. The proposal is considered contrary to Policies S3, GEN2 and H3 of the Uttlesford Local Plan (Saved Policies).

Background papers: see application file.

UTT/1437/08/FUL - QUENDON & RICKLING

(Applicant is related to a Council employee)

Erection of rear conservatory
Location: 5 Hallfield. GR/TL 512-301
Applicant: Mr G Morrison
Agent: Mr G Morrison
Case Officer: Ms K Hollitt 01799 510495
Expiry Date: 27/10/2008
Classification: OTHER

NOTATION: Within Development Limits.

DESCRIPTION OF SITE: The property the subject of this application is a mid-terrace dwelling on the new development recently constructed on the former Red Star garage site. The dwelling is of render construction with a pantile roof.

DESCRIPTION OF PROPOSAL: The proposal relates to the erection of a conservatory to the rear elevation. The proposed conservatory would have a depth of 3.7m and a width of 4m. It would have an eaves height of 2.10m and a ridge height of 3.324m with a hipped roof. Planning permission was required for the proposal at the time of submission because permitted development rights have been removed on this development. Under the new changes to the Permitted Development requirements the proposal would require permission in any event.

APPLICANT'S CASE including Design & Access statement: None submitted or required.

RELEVANT HISTORY: Planning permission granted for the erection of 14 dwellings and car parking in June 2005.

CONSULTATIONS: None.

PARISH COUNCIL COMMENTS: None received. Expired 2 October 2008.

REPRESENTATIONS: One. Notification period expired 23 September 2008.

Size of conservatory very overwhelming being so close to our boundary. Oppose. We will be looking at a solid wall when we sit in our lounge which only has one window to the rear also gives us concern as it will block out our light. Ridge height of 3.340m seems very high.

COMMENTS ON REPRESENTATIONS: See below.

PLANNING CONSIDERATIONS: The main issues are

- 1) Principle of Extension and Design (ULP Policy S3, H8, GEN2 & [SPD](#) Home extensions);
- 2) Amenity (ULP Policy GEN2 & [SPD](#) Home extensions) and
- 3) Other material planning considerations.

1) Extensions to dwellings are acceptable in principle under Policy H8 providing their scale, design and materials respect those of the original building, there is no material overlooking or overshadowing of nearby properties and they would not have an overbearing

impact upon neighbouring properties. Policy GEN 2 sets out a range of criteria to be considered including compatibility with surrounding buildings; minimising energy and water usage, and having no material adverse impact upon privacy loss of daylight to other residential property. Further design advice is offered in the adopted Supplementary Planning Document (SPD).

The proposed extension takes the form of a conservatory. Whilst this would not match the materials of the original dwelling, there are no policy objections to the use of conservatories in this location. The scale of the proposal is considered acceptable in respect of the impact on the original dwelling.

2) The proposed extension would protrude 3.7m from the rear elevation of the original dwelling and would be located approximately 0.4m from the common boundary with the adjoining property. The SPD advises that the depth and size of extensions should be carefully considered to ensure that they would not result in the loss of light to neighbouring properties. The Building Research Establishment (BRE) has established a set of criteria to be applied which determines whether proposals would result in a significant loss of light. The 45° angle test has been applied to this proposal. The depth of the extension would result in a line falling just short of the midpoint of the window to the neighbouring property. The eaves height satisfies the 45° degree test. The BRE advises that the 45° degree angles from both the eaves and depth of the proposed extension would have to cross the mid point of the window on the adjoining property for there to be a significant loss of light sufficient to warrant a refusal of the scheme. In this instance this does not happen and therefore it is considered that the proposals pass this test. The proposed conservatory would have a glass roof which should help reduce the impact in terms of loss of light.

The concerns relating to the height and length of the wall are noted. At present there is a close boarded fence along the boundary. The height of the wall to the proposed conservatory would be higher than the existing fence although it would be only fractionally higher than a structure that could have been erected if permitted development rights had not been removed. At the time the application was made the proposed extension would have satisfied the permitted development criteria has these rights not been removed. No overlooking issues are raised by the proposal and the conservatory has been designed to reduce the potential impact on the neighbouring property. Overall it is considered that the proposal complies with the relevant policy and is acceptable.

3) No other issues are considered to arise.

CONCLUSIONS: The proposals are considered acceptable.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be carried out in accordance with approved plans.
3. C.5.3. Matching materials.
4. C.8.28. Energy efficiency measures for dwelling house.
5. C.19.1. Avoidance of overlooking.

Background papers: see application file.

UTT/1317/08/FUL - CLAVERING
(Applicant is related to a Councillor)

Change of use from agricultural land to garden land
Location: 2 Butts Green Cottages. GR/TL 453-338
Applicant: Mr Paul Abrahams
Agent: Mr Paul Abrahams
Case Officer: Ms K Hollitt 01799 510495
Expiry Date: 31/10/2008
Classification: OTHER

NOTATION: Outside Development Limits.

DESCRIPTION OF SITE: The application site is located to the rear of a property on the southern side of the road at Butts Green. It forms a triangular piece of land at the edge of an agricultural field. To the west of the site is a large agricultural building. There is some hedging to the western boundary.

DESCRIPTION OF PROPOSAL: The proposal relates to the change of use of the agricultural land to form garden land.

APPLICANT'S CASE including Design & Access statement: None submitted or required.

RELEVANT HISTORY: None.

CONSULTATIONS: None.

PARISH COUNCIL COMMENTS: To be reported.

REPRESENTATIONS: This application has been advertised on site and no representations have been received. Period expired 6 October 2008.

PLANNING CONSIDERATIONS including Design & Access statement:
The main issues are whether the proposed change of use of land would be detrimental to the character of the rural area (ULP Policies S7 and ENV6).

The site is located to the rear of a residential property and forms a corner to a large agricultural field. Policy ENV6 supports the change of use of agricultural land to garden land in areas where it does not result in a material change in the character and appearance of the countryside. This site is well related to the residential property to which it would be associated and the change of use of this triangular corner of land in this field should not have a detrimental impact on the character and appearance of the countryside. However, the use of inappropriate fencing and the siting of buildings on this land could have a detrimental impact on the character of the area and as such it is considered that permitted development rights for the land should be removed.

CONCLUSIONS: The proposal is considered appropriate.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.6.2. Excluding all rights of permitted development within the curtilage of a dwelling house without further permission.
3. C.6.5. Excluding fences and wall without further permission.
4. C.4.1. Scheme of landscaping to be submitted and agreed.
5. C.4.2. Implementation of landscaping.

Background papers: see application file.
