

## **UTT/1816/11/FUL – (FELSTED)**

*(Referred to Committee as applicant is a relative of an employee of the Council)*

**PROPOSAL:** Change of use of land from agricultural use to equestrian and recreational use.

**LOCATION:** Land at Causeway End, Chelmsford Road, Felsted

**APPLICANT:** Mr G Moss

**AGENT:** Mr G Moss

**GRID REFERENCE:** TL 680-197

**EXPIRY DATE:** 7<sup>TH</sup> November 2011

**CASE OFFICER:** Mrs M Jones

### **1.0 NOTATION**

1.1 Outside Development Limits.

### **2.0 DESCRIPTION OF SITE**

2.1 The site is to the north of the Chelmsford Road in Felsted. The site is level and enclosed by post and rail fencing. The plot of land is approximately two and a half acres of agricultural land. Opposite the site and to the south are residential properties. To the rear of the field is further agricultural land. A piece of agricultural land to the south east has previously been approved for change of use to paddock in 2005.

### **3.0 PROPOSAL**

3.1 The proposal is for the change of use of agricultural land to equestrian and recreational use. Access to the site is via an existing access

### **4.0 APPLICANTS CASE**

4.1 None

### **5.0 RELEVANT SITE HISTORY**

5.1 None

### **6.0 POLICIES**

#### **6.1 National Policies**

- Policy PPS7 - Sustainable Development in Rural Areas.

#### **6.2 East of England Plan 2006**

- Policy ENV4 - Agricultural, Land and soils.

#### **6.3 Essex Replacement Structure Plan 2001**

- N/A

#### **6.4 Uttlesford District Local Plan 2005**

- Policy S7 - The Countryside
- Policy ENV5 - Protection of Agricultural Land

## **7.0 PARISH/TOWN COUNCIL COMMENTS**

7.1 No objection. The description "recreational use" is insufficiently precise. The erection of structures on this site should be resisted, as it is a green wedge between the village centre and the hamlet of Causeway End.

## **8.0 CONSULTATIONS**

None

## **9.0 REPRESENTATIONS**

9.1 Seven letters of representation have been received. Expiry date 13<sup>th</sup> October 2011. The main concerns raised are:

- What the phrase recreational means. The term recreational is very wide and in the future be misinterpreted. We would not like for example equestrian competition or commercial usage or any general recreation use eg quad bikes, motorcycles, nursery/garden centre, football, off road driving.
- Highway safety due to location of access close to bend in road. The existing vehicular access is intended only for occasional agricultural access. It is wholly inadequate for any intensified use having virtually no visibility towards the south east other than across private front gardens, which cannot be permanently guaranteed.
- Intensification of traffic
- Concern about bedding and waste being burned on a bonfire on the land due to its closed proximity to residential properties.
- There are no buildings on the plans - does that mean there will be no stables?
- Unable to fully determine the exact nature of the proposal.
- The application site is designated as countryside within the Local Plan and as such is strictly protected by the provisions of Policy S7. Policy E4 gives clear guidelines for farm diversification. None of the provisions within either of these policies appear to have been considered within this application.
- Main concern is about any planting that may be used and results from the inappropriate choice of exotic conifer already used along the boundary that forms the eastern edge of the plot that is the subject of this planning request. Requests that only native species characteristic of Essex hedgerows should be used in hedging or other planting in this field and that the height is restricted to retain existing views across the field.
- Concern regarding gypsy use.

Of the letters received three states that they are happy for the land to be used for the grazing/keeping of horses.

## **10.0 APPRAISAL**

The issues to consider in the determination of the application are:

- A) Impact on the character and appearance of the countryside and loss of agricultural land. (Policies S7, ENV5, E4)
- B) Whether there would be any harm to residential amenity by virtue of disturbance, noise, nuisance or odours. (ULP policy GEN4)

A) The countryside is to be protected for its own sake and permission will only be granted for development that needs to take place there or is appropriate to a rural area or is appropriate to a rural area. 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.

Policy E4 allows for alternative uses of agricultural land provided the following criteria are met::

- a) The development includes proposals for landscape and nature conservation enhancement;
- b) The development would not result in a significant increase in noise levels or other adverse impacts beyond the holding;
- c) The continued viability and function of the agricultural holding would not be harmed;
- d) The development would not place unacceptable pressures on the surrounding rural road network (in terms of traffic levels, road safety countryside character and amenity).

The development will be accessed via an existing access in the south east onto the Chelmsford Road (B1417)

The scheme proposed here is solely for private use and does not include the erection of buildings. As such use of the existing access is unlikely to be intensified to the extent of resulting in unacceptable pressures on the surrounding rural road network or being detrimental to highway safety.

The keeping of horses for recreation is not within the definition of agriculture and although recreation is normally appropriate in a rural area, this proposal relates to a purely private use. However, the use of land for paddock can only take place within a rural area. Although the land is agricultural land, it is not felt that the proposed use would result in the permanent loss or degradation of the land.

On balance, it is considered that there are no policy objections in relation to this proposal.

B) Given the separation distances between properties no significant potential for harm is identified by way of disturbance from horses or associated odour.

## **11.0 CONCLUSION:**

The proposal complies with policy.

## **RECOMMENDATION – CONDITIONAL APPROVAL**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with Policies S7, GEN4, ENV5, E4 of the Uttlesford Local Plan (adopted 2005).

3. There shall be no burning of manure or other waste.

REASON: In the interests of amenity.

4. The development hereby permitted shall not be used for any separate business or commercial use, other than the personal use for equestrian purposes only (not any other form of recreational use). The change of use hereby permitted shall not be used for the purpose of a riding establishment.

REASON; Permission is granted solely to serve the domestic needs of the applicant and a commercial use would be inappropriate in this rural location.

5. There shall be no floodlighting or other form of external lighting constructed within the application site without the prior written consent of the local planning authority.

REASON: In the interests of amenity and to ensure the development does not adversely the rural character of the area.

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