

**UTT/0225/12/FUL – (STANSTED MOUNTFITCHET)**

**PROPOSAL:** Removal of condition 12 (sustainable transport). Variation of condition 6 (no development within Classes A to E of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of the Order shall take place without the prior written permission of the local planning authority); to read 'within Classes B, C and D of Part 1 of Schedule 2' on planning consent UTT/1861/11/FUL

**LOCATION:** The Stables, High Lane, Stansted Mountfitchet

**APPLICANT:** Mr and Mrs D Butterfield

**AGENT:** Mr B Christian

**GRID REFERENCE:** TL515-254

**EXPIRY DATE:** 29 March 2012

**CASE OFFICER:** Nicholas Ford

**1.0 NOTATION**

1.1 Outside Development Limits.

**2.0 DESCRIPTION OF SITE**

2.1 The Stables is an H shape plan single storey brick building on the eastern side of High Lane, Stansted Mountfitchet. This side of the road has a rural character with little built form other than a barn conversion and a couple of cottages to the south beyond a public footpath that runs between High Lane and North End House further east (meeting with Gall End Lane). Land to the north is open with a tree belt along a stream valley to the east beyond an existing wall. On the opposite side of the road to the west are single or two storey houses either fronting onto or with rear gardens backing onto the highway adjacent which are mature trees (16 Meadowcroft).

2.2 The building is single storey with a courtyard facing the public footpath to the south. Within which are a number of stable doors and window openings. It appears that there was formerly a lean-to to the eastern elevation that has since been removed. There is a field access and gate onto High Lane just north of the building.

**3.0 PROPOSAL**

3.1 The application seeks the grant of planning permission for conversion of the stable building to a dwelling without removal of certain classes of permitted development that are restricted by condition under planning permission UTT/1861/11/FUL dated 15 December 2011.

3.2 Namely, Class A (enlargement, improvement or other alterations) and Class E (building, enclosure, swimming or other pool incidental to the enjoyment of a dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or a container used for domestic heating purposes for the storage of oil or liquid petroleum gas).

3.3 The application also requests that Class A of Part 2 of Schedule 2 not be removed. Namely, the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

3.4 The applicant is content that the Council retain control over classes Class B (addition or alteration to roof), Class C (any other alteration to the roof) and D (erection or construction of a porch outside any external door of a dwellinghouse).

3.5 It is also proposed to remove condition 12 which requires the provision of a travel information and marketing scheme for sustainable travel in order to reduce the need of occupants to travel by car and promote sustainable transport.

#### **4.0 APPLICANTS CASE**

4.1 Condition 6 - The applicant considers that the position of the stables fronting a highway and with a public footpath alongside provides adequate protection to the local environment if parts B, C and D are removed and Part A is unnecessary as a restriction to take away from the owner/applicant. If the Local Planning Authority could find a suitable wording the applicant would accept further removing the side extension only change opportunities afforded by Part A, Part 1 of Schedule 2.

4.2 Condition 12 - The proposals for a single dwelling fronting the main road (highway) of High Lane and adjacent to the established built up area of Stansted village and development limit and being within easy walking distance of village services and the public transport hub at the nearby rail station, clearly satisfy all the criteria of Policy GEN1 a, b, c, d, e and therefore the condition is not necessary.

#### **5.0 RELEVANT SITE HISTORY**

5.1 UTT/1861/11/FUL - conditional planning permission for the conversion of stables to dwelling granted on 15 December 2011.

#### **6.0 POLICIES**

##### **6.1 Uttlesford District Local Plan 2005**

- Policy S7 - The Countryside
- Policy H6 - Conversion of rural buildings to residential use
- Policy GEN1 - Access
- Policy GEN2 - Design

#### **7.0 PARISH COUNCIL COMMENTS**

7.1 Object. Any additional works on this site must be subject to a planning application.

#### **8.0 CONSULTATIONS**

8.1 Highway Authority: Object to removal of condition 12. New residential dwellings require provision of a travel information pack under county council supplementary guidance.

#### **9.0 REPRESENTATIONS**

9.1 One. Notification period expired 9 March 2012.

Condition 6 should be retained in full. The property was not constructed as a dwelling and should not therefore benefit from permitted development rights. It is a former agricultural building in open countryside that should have been converted to employment use under plan policy. Permission has been granted as an exception to policy and it is proper that permitted development rights are removed to preserve the agricultural character of the building and maintain a non domestic appearance to the open countryside. To do otherwise will result in the urbanisation of the rural fringe and undermine the objectives of maintaining the adjacent land as open countryside. The site is next to a public footpath that is well used and the agricultural appearance of the agricultural building should be maintained for the amenity of users of the footpath. Condition 12 needs to be discharged rather than removed.

## 10.0 APPRAISAL

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

**Whether the conversion of the stable to a dwelling with permitted development rights (classes A and E) would accord with policy that requires conversion works respect and conserve the characteristics of the building (ULP Policies S7, H6 and GEN2).**

10.1 Members will recall that they granted planning for the conversion of this stable to a dwelling following planning committee on 14 December 2011. At the committee meeting members agreed the conditions that are attached to the extant planning permission for conversion of the stable and therefore were of the opinion, at that time, that permission ought not to be forthcoming without the conditions subject of this application.

10.2 Policy H6 (conversion of rural buildings to residential use) controls conversion of rural buildings to residential use. In particular, parts d and e respectively require that conversion works respect and conserve the characteristics of the building and that private garden areas be provided unobtrusively. Every effort must be made to retain the original simplicity and form of a rural building such that it is altered as little as possible.

10.3 The supporting text to Policy H6 discusses how conversion can result in loss of character and damage historic structure. Buildings worthy of conversion will normally be substantially unaltered and constructed in historic and vernacular tradition of materials contemporary with their age. Conversion will be permitted if character is conserved and harsh domestic features are avoided. The retention of control on permitted development would allow the Local Planning Authority to ensure that extensions and outbuildings respond to character and do not have a multiplicity of windows, doors and access points or inappropriate external finishes.

10.4 Without control on extensions, outbuildings and boundary treatment, the Local Planning Authority would not be able to ensure that additional development is well related to form, pitch, design and materials, is limited and subservient. It is precisely because the existing building has visual merit and the conversion retains this character that permission for use as a dwelling has been permitted. Consequently, permission without such control would be contrary to Policy H6, and may also cause harm to the rural character the building and its surroundings, contrary to Policy S7 that requires that the character and appearance of the countryside be preserved.

**Whether the occupation of the converted stable without a condition requiring the implementation of a travel information and marketing scheme would accord with policy to discourage movement by means other than driving a car (ULP Policy GEN1).**

10.5 Condition 12 was requested by the Highway Authority and requires, before occupation, the provision and implementation of a travel information and marketing scheme for sustainable transport in order to reduce occupants need to travel by car and promote sustainable transport and development. Policy GEN1 requires that development encourages movement by means other than driving a car.

10.6 The applicant contends that the converted dwelling would be within easy walking distance of village services and public transport at the rail station such that the condition is unnecessary. The site is within walking distance of Lower Street and the railway station. The Highway Authority has objected to the removal of the condition but has not substantiated this in terms of the tests of a condition. As such it is considered that the condition could be removed.

## 11.0 CONCLUSION

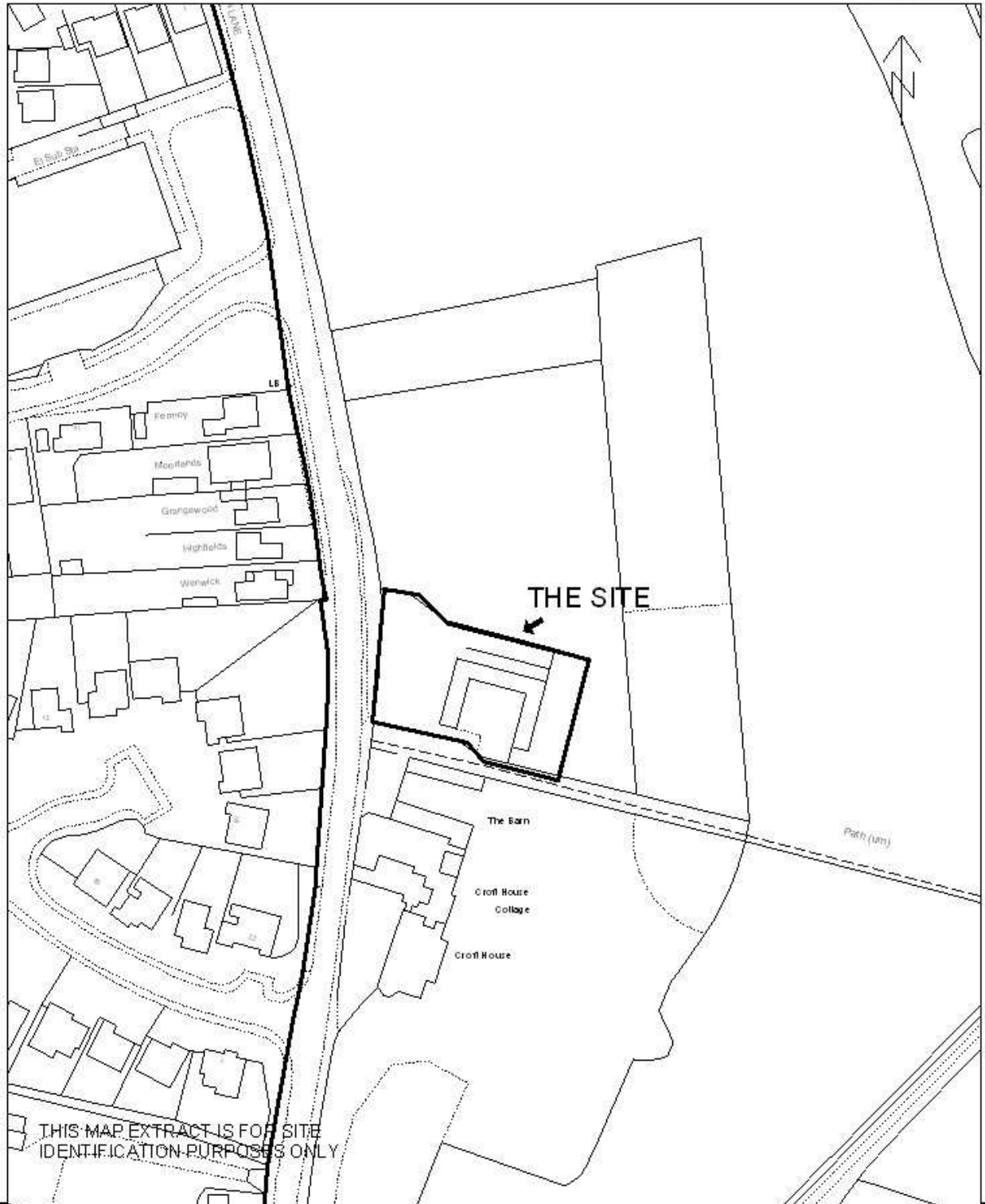
The following is a summary of the main reasons for the recommendation:

11.1 The grant of planning permission without Local Planning Authority control for extensions, outbuildings and means of enclosure would be contrary to policies that seek to that the traditional and vernacular character of rural buildings are conserved and provide unobtrusive development in the countryside that protects its character and appearance.

**RECOMMENDATION – REFUSAL**

The proposed conversion without removal of permitted development rights for Classes A and E of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 would be unacceptable because the Local Planning Authority would not be able to ensure that original buildings traditional characteristics are conserved contrary to policies H6 and S7 of the Uttlesford Local Plan adopted 2005.

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