

**UTT/12/5552/FUL – (Hatfield Broad Oak)**

**Major application**

**PROPOSAL:** Change of use from agricultural land to pastureland/ paddock and domestic garden. Erection of stables and manage. New access and turning area.

**LOCATION:** Land adjacent Rose Cottage, Pierce Williams, Hatfield Broad Oak, Bishops Stortford

**APPLICANT:** Mr I Brown

**AGENT:** Mr C Loon

**GRID REFERENCE:** TL

**EXPIRY DATE:** 17 Jan 2013

**CASE OFFICER:** Mrs M Jones

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**1.0 NOTATION**

1.1 Outside Development Limits. Adjacent Grade II Listed Building

**2.0 DESCRIPTION OF SITE**

2.1 The site is to consists of a parcel of land approximately 1.98 hectares and is redundant agricultural land. The site falls from north to south and is enclosed by a mixture of post and rail fencing and mature roadside landscaping and trees have been planted to the north and north west boundaries of the site.. There is a ditch to the southern boundary. To the north east of the site is a grade II listed, thatched, cottage. The cottage has a mature hedge to its southern boundary. The site is served by an unmade field access at the south eastern corner of the site.

**3.0 PROPOSAL**

3.1 The proposal is for:

A. The erection of domestic stables. The development would consist of three stables measuring (approximately) 4.3m by 3.7m, 4.3 by 3.7m and 3.7m by 3.7m, an open feed store measuring 6.8m by 3.7m(approximately), and a tack room measuring 2.5m by 3.7m(approximately) They would form a L shape of buildings and their height would be 4.2m. They would be constructed in black weather boarding above a red brick plinth. The roof would be tiled. The buildings would be located to the south of number 1 Rose Cottage.

B. Creation of new access track and turning area to serve the stables.

C. Change of use of agricultural land to domestic garden land to serve Rose Cottage

D. Creation of a manage of 40m by 20m

E. Change of use of agricultural land to paddock approximately 4.2 acres

F. Erection of fencing and gates. They will match the existing 1.35m high post and rail fencing.

#### **4.0 APPLICANTS CASE**

4.1 Additional Information (summary) Including Design and Access Statement and Planning Statement (please see main file for full details)

The use of the land for the keeping of horses is entirely normal in the countryside. The small scale equine use should be acceptable at this site subject to appropriate conditions. There will be no commercial activity.

The use of the land for grazing, along with a manage, stables and associated development will have no adverse impact on the rural character, residential amenity, the listed building setting or highway safety.

The proposed garden extension is planned as part of a comprehensive and logical proposal. The extended garden will benefit from fenced and landscaped boundaries and will have little impact upon the countryside.

The application complies with planning policy and should therefore be granted.

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

5.1 UTT/0554/12/FUL Demolition of existing lean to and existing garage and outbuilding. Replacement two storey extension, garage and storage outbuilding. Conditionally approved.

5.2 UTT/0555/12/LB Demolition of existing lean to and existing garage and outbuilding. Replacement two storey extension, garage and storage outbuilding. Conditionally approved.

5.3 UTT/1113/05/FUL Erection of looses boxes, tack room and fences. Change of use from agricultural to pasture. Land adjacent to Woodbury House, Pierce Williams. Conditionally approved. (Opposite Rose cottage)

#### **6.0 POLICIES**

6.1 National Policies

- NPPF

6.2 Uttlesford District Local Plan 2005

- Policy S7 - The Countryside
- Policy GEN1 - Access
- Policy GEN4 - Good Neighbourliness
- Policy ENV2- Development affecting Listed Buildings
- Policy ENV5 - Protection of Agricultural land

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

7.1 No reply received.

#### **8.0 CONSULTATIONS**

8.1 Environmental Health:  
To be reported.

8.2 Essex County Council - Highways:  
No objections subject to conditions.

8.3 Specialist Design Advice  
Verbal response: The proposed buildings are sufficient distance away from the adjacent listed building and as such the proposal is acceptable subject to appropriate material conditions being attached to the approval.

## 9.0 REPRESENTATIONS

9.1 The application has been advertised and no representations have been received.  
Expiry date 14<sup>th</sup> December 2012

## 10.0 APPRAISAL

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

- A Whether the proposal would be acceptable development in the countryside that is appropriate to a rural area and protects or enhances the character of the countryside. Impact on the character and appearance of the countryside and loss of agricultural land (ULP policy S7, ENV5 and E4)
- B Whether there would be any harm to residential amenity by virtue of disturbance, noise, nuisance or odours. (ULP policy GEN4)
- C Highway Safety (ULP policy GEN1)
- D Other material considerations.

### 10.1 **A)Whether the erection of the 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. Impact on the character and appearance of the countryside and loss of agricultural land (ULP policy S7, ENV5 and E4)**

The site is located outside of development limits and as such policy S7 applies. This states that proposals 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 needs to be there.

Conservation Advice is that the proposed stable building is located sufficient distance away not to have a detrimental impact on the character and setting of the Listed building.

It would be sited at the edge of the field and not in the open which would reduce any detrimental visual impact it would have on the character of the countryside setting.

The scale of the proposed stables has been reduced following pre- application advice and is now considered to be acceptable.

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 scheme proposed here is solely for private use 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.

In relation to the change of use of part of the agricultural land to garden use, as the change of use for the rest of the application site to paddock and pastureland is considered acceptable, this land would be an unworkable corner of a field. The proposal would not result in a wedge of domestic garden intruding into an agricultural landscape. The boundary with the field has been planted with native species hedgerow.

#### **10.2 B) Whether there would be any harm to residential amenity by virtue of disturbance, light, noise, nuisance or odours. (ULP policy GEN4)**

The site is well separated from neighbouring residential properties and therefore the proposal is unlikely to have any material detrimental impact on neighbours amenity.

In view of the open location of the site there should be strict control of external lighting.

#### **10.3 C) Highway Safety (ULP policy GEN1)**

Essex County Council do not have any objections to the proposal. The access is existing and due to the anticipated levels of use of the site it is not likely that the use will be intensified to the extent of resulting in unacceptable pressures on the surrounding rural road network or being detrimental to highway safety.

#### **10.4 D) Other material considerations**

A further consideration is that a similar application was approved at land adjacent to Woodbury House (opposite Rose Cottage) under planning application UTT/1113/05/FUL and there has not been any material change in policy since that approval.

### **CONCLUSION**

The proposal complies with policy.

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

- The design and scale is appropriate in this location
- The proposal would not cause any significant material impact to neighbours amenity.
- Is acceptable with regards to highway safety

## **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 the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.

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

REASON: In the interest of amenity and to ensure the development does not adversely affect the rural character of the area in accordance with Uttlesford Local Plan (adopted 2005) policy S7

4. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary of the site.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with Uttlesford Local Plan (adopted 2005) policy GEN1

5. 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)

REASON: Permission is granted solely to serve the domestic needs of the applicant and a commercial use would be inappropriate in this rural location in accordance with Uttlesford Local Plan (adopted 2005) policy S7

6. Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

7. All external weather-boarding shall be feather-edged and painted black. Subsequently, the materials shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity.

In the interests of preserving the historic character and appearance of the Listed Building and its setting in accordance with Uttlesford Local Plan (adopted 2005) policy ENV2

8. Before development commences samples of materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity.

In the interests of preserving the historic character and appearance of the Listed Building and its setting in accordance with Uttlesford Local Plan (adopted 2005) policy ENV2

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