

UTT/13/2319/FUL - LITTLE SAMPFORD

(MINOR APPLICATION)

Referred to Committee - Reason: Applicant ex-employee of Council

PROPOSAL: **Erection of 1 no. detached dwelling and garage/workshop.
Demolition of outbuildings**

LOCATION: **Small Farm Hawkspur Green Hawkspur Green Road Little
Sampford Saffron Walden**

APPLICANT: **Mr R Crowe**

AGENT: **Mr M McGarr, Oak Design & Construction Ltd**

EXPIRY DATE: **5 November 2013**

CASE OFFICER: **Clive Theobald**

1. NOTATION

1.1 Outside Development Limits/Groundwater Protection Zone

2. DESCRIPTION OF SITE

2.1 The application site is situated within a remote rural position between Little Sampford and Little Bardfield and comprises part of a smallholding extending to 10.71 ha containing a small group of two storey and single storey timber-framed and corrugated outbuildings and Nissen Huts positioned at the bottom of a long farm track on sloping ground from the road. An occupied bungalow within the control of the applicant and an adjacent two storey timber framed structure similarly within the control of the applicant and which has the form of a chalet dwelling, but which is now used for domestic purposes in association with the bungalow, stand along the track between the road and the group of buildings. A copse lies to the rear (north) of the site, whilst fields lie to the south.

3. PROPOSAL

3.1 This proposal relates to the demolition of the existing smallholding buildings and the erection of a large two storey 4 bedroomed detached dwelling with basement designed in traditional style with detached garage/workshop block positioned to the side. The new dwelling would have a central ridge line of 7.5 metres with two jettied gable ends and would be externally clad in render with clay tiles, whilst the garage/workshop block would be finished in black weatherboarding and clay tiles.

4. APPLICANT'S CASE

4.1 Small Farm covers an area of 10.72 ha and previously formed part of a much larger estate. Documented history shows that most of the current buildings were constructed between 1935 and 1940 when the site was known as a Q Camp (Hawkspur Camp) and used as an occupational therapy centre residential facility comprising the chalet dwelling and dormitories before being closed down/relocated.

- The site has been within the current owner's family for 56 years and the entire site is currently let to a tenant farmer following final closure of the camp after the 1950's.
- From about 1960, the former wash house and accommodation block were adapted for livestock use whilst retaining the appearance as originally built.
- The existing structures are not capable of renovation.
- The proposed dwelling would be in the style of a traditional Essex farmhouse and would not have any greater impact on the landscape than the existing original dwelling
- The proposal would be subject to landscaping to reduce its visual impact on its surroundings.
- The current bungalow could be retained as a service property for the proposed new dwelling whereby the owners would accept a S106 agreement requiring that the bungalow is not sold off separately from the new dwelling.

5. RELEVANT SITE HISTORY

None

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- S7: The Countryside
- H7: Replacement Dwellings
- GEN1: Access
- GEN2: Design
- GEN7: Nature Conservation
- GEN8: Vehicle Parking Standards
- SPD3: (Replacement Dwellings)

6.3 Uttlesford District DRAFT Local Plan

- SP12: Protection of Countryside
- DES1: Design
- HE4: Protecting the Natural Environment

7. PARISH/TOWN COUNCIL COMMENTS

7.1 Object –

- Proposed development site lies outside development limits
- The house & buildings are visible from the road – not as stated in the application
- The existing house and redundant buildings have become part of the local landscape
- The whole farm has been under a wildlife conservation scheme for over twenty years, which has encouraged a wide variety of species, including Barn Owls and Bats. These protected species would be disturbed
- The site is within 100 metres of a watercourse

- This application is along the lines of an outline application and leaves the door open for subsequent amendments
- The property could be sold and the house and building plans altered without the consent of UDC once planning permission is obtained
- Development could cause a precedent for similar applications

8. CONSULTATIONS

Anglian Water Services Ltd

8.1 No comments

Affinity Water

8.2 The site is located within an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to Hempstead pumping station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd

Access and Equalities

8.3 No reference is made within the Design and Access Statement to the SPD "Accessible Homes and Playspace" and the requirements for Lifetime Homes. Whilst this is a large dwelling, it is still important that this criteria is applied. Please condition that a Lifetime Homes drawing is submitted prior to commencement if the application is approved.

ECC Ecology Advice

8.4 No objections subject to conditions

9. REPRESENTATIONS

9.1 1 letter received. Notification period expired 1 October 2013. Site notice expired 9 October 2013.

- All of the local policies quoted as having been taken into account in the preparation of the application are from Braintree District Council's Local Plan Review and are therefore irrelevant to the application
- The Design and Access Statement quotes Planning Policy Statements, which have been superseded by the National Planning Policy Framework (NPPF)
- We have concerns that the application wishes to retain parking for 20+ cars, which we consider way in excess of a necessary provision for the proposed property
- The application should have regard to the Uttlesford District Local Plan, adopted in 2005
- Proposed development would be contrary to ULP Policy S7

10. APPRAISAL

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

- A Principle of development/Design (NPPF, ULP Policies S7, H7, GEN2 and SPD (Replacement Dwellings)
- B Access and parking arrangements (ULP Policies GEN1 and GEN8)

C Whether the development would be harmful to wildlife/protected species (ULP Policy GEN7)

A Principle of development/Design (NPPF, ULP Policies S7, H7, GEN2 and SPD (Replacement Dwellings))

- 10.1 The application site is located outside development limits and is therefore defined as countryside within the Uttlesford Local Plan (adopted 2005) where ULP Policy S7 relating to countryside protection therefore applies. 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 or is appropriate to a rural area, adding that there will be strict control on new building. This policy further states that development will only be permitted if its appearance protects or enhances the particular character of the countryside within which it is set or there are special reasons why the development in the form proposed needs to take place there. New dwellings outside of development limits do not normally meet the exceptions of Policy S7 and would as a consequence of this fail to protect the character and appearance of the countryside.
- 10.2 Additionally, the NPPF is material in determining planning applications. Housing applications are to be considered positively in the context of the presumption of sustainable development and UDC housing policies are not up to date if a five year supply of housing cannot be demonstrated. The Council cannot currently demonstrate an adequate five year land supply. In principle, therefore, some weight could be accorded to the potential of the site as being deliverable.
- 10.3 Notwithstanding this, development must be both sustainable and preserve local character and housing should by reason of this be located where it would enhance or maintain the vitality or rural communities. It follows from this that isolated new homes in the countryside should be avoided. Hawkspur Green as a small rural settlement comprises just a handful of dwellings with no local services where the site itself is situated within an isolated position away from neighbouring dwellings off the single track road leading through the settlement. A new isolated dwelling here could not therefore be considered to be sustainable.
- 10.4 A replacement dwelling may be acceptable in principle for an existing dwelling that is both lawful and not abandoned. Other than the bungalow that is presently occupied as a dwelling and which is not intended to be replaced, it appears that the other buildings on the site are utilitarian in nature, of reasonably lightweight construction and with no evidence of current or previous use as a dwelling. A planning history search has not revealed any record of applications for this site. Even if any of the buildings were used for residential occupation in connection with the former war time/post-war occupational therapy use of the site as the applicant asserts was the case, there appears to have been no attempt since to preserve them, where cessation of that residential use, if indeed it did occur at any point in the past, must likely to have occurred many years if not decades ago without any intention to re-commence the use where physical deterioration of the buildings is evident.
- 10.5 The agricultural/smallholding buildings currently on the site do not cause any visual harm in the local landscape where they stand as a rustic group towards the bottom of a valley and their replacement with a dwelling would not in the circumstances represent planning gain. In order to consider whether there is potential for replacement in principle, it would first need to be demonstrated through a certificate of lawfulness application that there has been residential occupation of the buildings as one or more dwellings for the previous four years. This would appear to be difficult to demonstrate on the basis of the application submission and from the officer site visit. There is a

potential to replace the occupied bungalow on a one-for-one basis or with a 1½ storey dwelling, although the bungalow does not form part of the application site. Additionally, the SPD “Replacement Dwellings” normally expects replacement dwellings to be more or less overlapping existing dwelling footprints so as to have the least impact on the countryside unless moving a dwelling would reduce impact or there are energy efficiency gains in doing so.

- 10.6 As such there are no circumstances under the current application submission to show why a new dwelling should be allowed in the countryside at this location where material rural harm would be caused through its introduction and where it would be contrary to sustainability objectives.

B Access and Parking arrangements (ULP Policies GEN1 and GEN8)

- 10.7 The site is accessed via an established farm track which serves the existing bungalow to the site frontage. ECC Highways have not been consulted on the proposal, although the single dwelling nature of the development and intended use of the existing access point onto the highway is not considered to represent access intensification to any significant degree under ULP Policy GEN1 and no highway objections are raised on this basis. The size of the site would not give rise to any parking issues under ULP Policy GEN8 where both garaging and hardstanding parking would be provided. It is noted that reference to 20+ parking spaces is made on the application form and that local concern has been expressed regarding this. However, this number appears to have been stated in error.

C Ecology (ULP Policy GEN7)

- 10.8 An ecology survey was not originally submitted with the application and this resulted in a holding objection from ECC Ecology based upon the applicant’s responses in the ecology questionnaire. However, the applicant has since submitted an Extended Phase 1 Habitat Survey (PEA), which concludes that the site is considered to be of low ecological value generally. The survey inspection found that the buildings are not considered to provide potentially suitable habitat for bats given their construction and condition and did not identify either barn owl activity or evidence of GCN’s where the proposal site is not considered to provide aquatic or terrestrial habitat for GCN’s. Given these site conditions, the report of findings concludes that no further protected species surveys will be required, although makes recommendations for enhanced bio-diversity measures for the proposed development.
- 10.9 ECC Ecology have responded to the PEA and have commented that they now have no ecology objections to the proposal subject to the implementation of the recommendations and measures made in the PEA and other conditions to reduce ecology harm. It is therefore considered that the applicant has discharged the statutory duty regarding the ecological aspects of the proposal and that the demolition of the existing site buildings would not be harmful to wildlife or protected species under ULP Policy GEN7.

11. CONCLUSION

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

- A The proposal would be contrary to the countryside protection aims of ULP Policy S7 and would not amount to sustainable development under the NPPF at this isolated rural location. Additionally, no evidence has been provided to show that any of the buildings on the site or adjacent have the benefit of established residential use in the absence of

the grant of a lawful use certificate for an existing use or development for the same activity where such a use, if this indeed ever existed, appears to have been long abandoned.

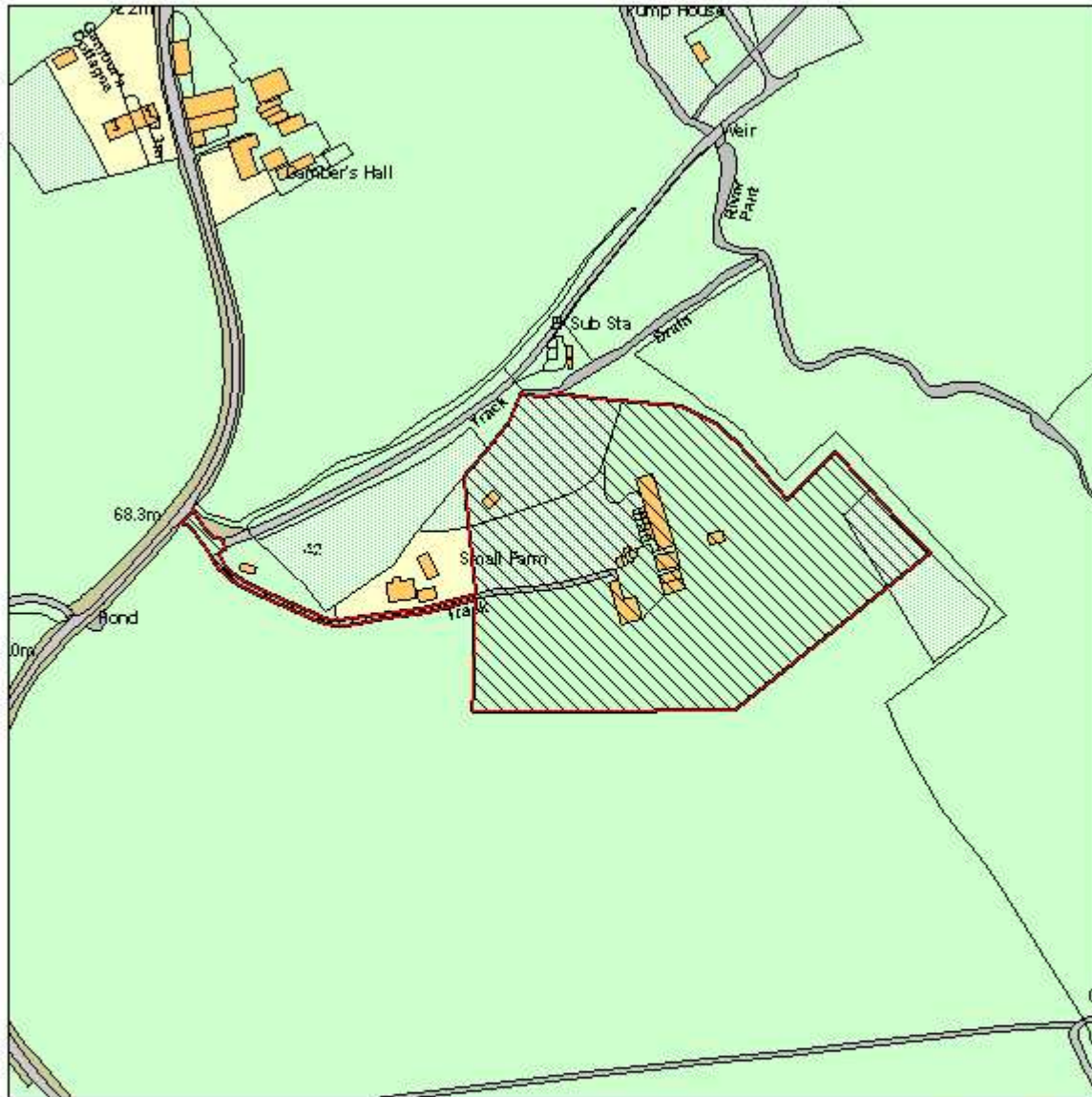
RECOMMENDATION – REFUSAL

Reasons

1. The proposed development would be contrary to the countryside protection aims of ULP Policy S7 of the Uttlesford Local Plan (2005) which 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. Furthermore, the proposal would not amount to a sustainable form of development at this isolated rural location remote from local services and would therefore be contrary to the sustainability aims of the NPPF.
2. The proposed development fails to provide a financial contribution in respect of affordable housing and therefore fails to comply with the adopted Developer Contributions Document adopted June 2013.

UTT/13/2319/FUL

Small Farm Hawkspur Green Road Little Sampford



Scale: 1:2500

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