

UTT/14/0073/FUL (Debden)

PROPOSAL: Demolition and removal of seven utilitarian buildings and replacement with a single dwellinghouse

LOCATION: Land At Hamperden End Henham Road Debden

APPLICANT: Mr M Brock

AGENT: Sworders

EXPIRY DATE: 18th March 2014

CASE OFFICER: Emmanuel Allannah

1. NOTATION

1.1 Open Countryside.

2. DESCRIPTION OF SITE

2.1 The application site comprises part of a larger "paddock" which lies to the north of the bend at Hamperden End, Debden. Most but not all of the application site is occupied by a group of former single storey agricultural buildings with a total floor area of some 637 sq metres. Those existing buildings are just visible through an existing farm gate entrance and intermittently through an existing roadside hedge.

3. PROPOSAL

3.1 The application proposes the demolition of all of the existing buildings and their replacement with a single well-proportioned chalet house of some 281 sq metres on two floors. This would be sited within the central part of the site and would be accessed via a new gravelled driveway from Henham Road. The existing gateway entrance would be retained to serve the remaining and undeveloped portion of the same paddock. A total of three cars spaces are shown to be provided (although this could readily be increased - or a garage or similar structure provided). A specific "Lifetime Homes" drawing has been submitted which appears to illustrate compliance with all 16 of the relevant (post 2010) Lifetime Homes criteria. The location of the proposed house is shown to be slightly re-graded across its depth to a level some 2 metres below that of the adjacent Henham Road.

4. APPLICANT'S CASE

4.1 Applicant's supporting statement in summary stated that this proposal will enable the site to be developed with a sensitively designed one-and-a-half storey dwelling of traditional appearance, which will be more in character with its neighbouring dwellings than the poorly designed industrial buildings that it replaces. The new dwelling would be of an appropriate size and design for the local vernacular of the area, and where possible, materials will reflect those used in surrounding buildings. In these respects the proposal provides an opportunity to enhance the character of the countryside within which the site is set, which constitutes an important and overriding material consideration to warrant the grant of planning permission in this case.

5. RELEVANT SITE HISTORY

- 5.1 UTT/0955/09/FUL - single dwelling - refused 7.10.2009
- 5.2 UTT/1774/10/FUL - COU from agriculture to B1 and B8 with new vehicular access - permitted 2.10.2010.
- 5.3 UTT/13/2622/FUL - renewal of the above - permitted - 26.11.2013

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- SP12 Protection of the Countryside
- SP15 Accessible Development
- SP17 Infrastructure
- DES1 Design
- TA1 Vehicle Parking Standards

7. PARISH COUNCIL COMMENTS

- 7.1 No observation received.

8. CONSULTATIONS

Essex County Council - Highways

- 8.1 No objections – subject to conditions.

Environment Agency

- 8.2 No objection, subject to conditions regarding sewerage treatment plant.

9. REPRESENTATIONS

- 9.1 The application has been advertised on site and within the local press. Neighbouring occupiers have been consulted of the application. As a result 4 objections have been received raising the following points:
 - The site is vulnerable to travellers and the site would be better if occupied residentially.
 - The applicants have tried to sell or let the premises for business purposes unsuccessfully.
 - Would prefer residential to "light industry", which would in itself introduce unwanted traffic to the area.

10. APPRAISAL

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

- A The principle of a single dwelling house which would replace seven utilitarian buildings associated with agricultural activities.

- B Whether the proposed single dwellinghouse in terms of its scale, mass, bulk, height, width, length and design are considered appropriate within this part of open countryside.
- C Traffic impact
- D Ecological impact
- E And the impact on local infrastructure

A The principle of the proposed development

10.1 On the 6th April 2014; a new permitted development rights for a change of use came into force for example; it stated that "change from buildings in agricultural use to residential (Class C3) with some associated physical works to enable conversion to take place. For example; up to 450sq.m can change use on an agricultural unit to provide up to three homes. This right is subject to prior approval on a number of matters and will not apply on article 1 (5)..." And given that this site is located within the open countryside, in consideration to such new permitted development rights; is whether allowing residential dwelling within such location would be prejudicial to the objective of Policy S7; as such policy objectives includes identifying appropriate development within the open countryside. The balance in evaluating the implications of allowing a residential dwelling house in such location in consideration to the new permitted development rights needed to be weighed in order to know their degree of harm on the appearance and prominence within this part of open countryside. Having considered the harm the of more than one dwelling house would have on this location in terms of their scale, layout, height, appearance and prominence on the character and prominence of this part of open countryside; on balance, the principle of one new proposed single dwelling can therefore be considered acceptable subject to the evaluation of the planning issues associated with such proposed new single dwelling house within this part of the open countryside in accordance with policies Gen1, GEN2 and S7 of the adopted Uttlesford District Local Plan (2005) and paragraphs 7 and 79 of the National Planning Policy Framework.

B Whether the proposed single dwellinghouse in terms of its scale, mass, bulk, height, width, length and design are considered sympathetic to the character and appearance of the open countryside.

10.2 Policy S7 states that "the countryside to which this policy relate is defined as all those parts of the Plan area beyond the Green Belt that are not within the settlement or other site boundaries. In the countryside or other boundaries. In the countryside, which will be protected for its own sake, planning permission will only be given for development that needs to take place there, or is appropriate to a rural area..... Development will only be permitted if its appearance protects or enhance 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".

Paragraph 55 of the National Planning Policy Framework states that "to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example; where there are groups of smaller settlements, development in one village may support services to a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".

10.3 The applicant fail to demonstrate why such development is appropriate in such location and whether if it is sustainable. For example; buildings of this scale that might be considered for this location could be for agricultural building purposes. The replacement of the seven agricultural related utilitarian buildings can be argued to be the type of

development that is not appropriate in such open countryside because it is not agricultural related use in order to comply with Policy S7. Furthermore there is no evidence to demonstrate that the proposal is sustainable. For example; the residential dwelling do not appeared to have an easy access to public transport or local bus services therefore it would induce the use of private car journey. In the absence of such evidence the proposed scheme is not sustainable. Hence, the proposal is in conflict with policy S7 and paragraph 55 of the National Planning Policy Framework (NPPF). The applicant failed to demonstrate the special circumstances why the Council should allow this application. The supporting information asserting that the premises has been vacant and with no prospects of letting it out to business use suitable for such location did not go far enough because applicant did not show any evidence regarding the marketing strategy for the site. And in the absence of such evidence the proposal did not overcome the impact the proposal would have on the open and permanence character of this part of open countryside. The proposal therefore is in conflict with Policies S7 and GEN2.

10.4 Policy GEN1 states that "development will only be permitted if it meets all the following criteria:

- Access to the main road network....
- The traffic generated by the development safely
- The design of the site must not compromise road safety and must take account of the needs of cyclist, pedestrians, public transport users, horse riders, people those whose mobility is impaired.
- The development encourages movement by means other than driving a car.

And Policy GEN2 states that "development will not be permitted unless its design meets all the following criteria and has regard to adopted Supplementary Design Guidance and Supplementary Planning Documents.

- It is compatible with the scale, form, layout, appearance and materials of surrounding buildings;
- It safeguards important environmental features in its setting, enabling their retention and helping to reduce the visual impact of new buildings or structures where appropriate...."

In paragraph 56 of the NPPF the "Government also attached great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people".

10.5 Having considered the above policies, on balance, the proposed scale, form, height, bulk, width, height, position and design of the proposed single dwellinghouse would not be sympathetic to the appearance of the openness character of this part of open countryside. Hence, in design terms the proposal is conflict with Policy GEN2 and paragraph 56 of the NPPF.

C The ecological impact

10.6 Policy GEN7 states that "development that would have a harmful effect on wildlife or geological features will not be permitted unless the need for the development outweighs the importance of the feature to nature conservation. Where the site includes protected species or habitats suitable for protected species, a nature conservation survey will be required. Measures to mitigate and/ or compensate for the potential impacts of development, secured by planning obligation or condition, will be required. The enhancement of biodiversity through the creation of appropriate new habitats will be sought". The application is accompanied by an ecological survey which confirms

the absence of bats and barn owls within the existing buildings. Hence, there are no evident grounds to expect any wider ecological interest in the application site.

D Traffic impact

- 10.7 Policy GEN8 states that "development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate. Three off-street car parking spaces are provided although the lengthy driveway is capable of accommodating significantly more. UDC's Local Residential Parking Standards (Feb 2013) are therefore met. No specific enclosed garage structure is shown, although one could readily be provided within the extensive gardens without threat to any neighbourly interests.

E Impact on local infrastructure

- 10.8 Policy H9 states that "the Council will seek to negotiate on a site basis an element of affordable housing of 40% of the total provision of housing on appropriate allocated and windfalls sites, having regard to the up to date Housing Needs Survey, market and site consideration. Following the amendment to the Development Contribution as specified in the Supplementary Planning Document regarding the financial contribution in connection with a proposed single dwelling house to support local infrastructure on balance; the proposal would not have any impact on local infrastructure such as the provision of affordable housing.

11. CONCLUSION

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

- 11.1 The removal of seven utilitarian buildings and replacement with a single dwellinghouse within this part of open countryside is considered acceptable in principle as it would help to address housing need within the rural area subject to its impact on the character of the open countryside in terms of its openness and their permanence. The scale, form, layout and design of the proposed dwellinghouse are considered to be in conflict with Policy S7 and paragraphs 7 and 79 of the NPPF because a proposed single dwelling house at this location is not sustainable; and in terms of its scale, mass, layout, height, appearance, bulk and design they are not sympathetic to the character of this part of the open countryside.
- 11.2 It is an unsustainable development because the applicant fails to demonstrate that the proposal is in close proximity to local infrastructure such as school, local shops, local bus routes and community facilities. In the absence of such local infrastructure, the proposal would generate the use of private cars to reach the destination of these local infrastructure. Despite the proposal involves only one single dwelling house, having considered the new permitted development rights as it is applicable in this location of the open countryside; it is not considered sufficient to outweigh the harm the proposal would have on the appearance and prominence of this part of open countryside and it is also not sufficient to prejudice the objectives of Policy S7. Hence, the proposal is contrary to Policy S7 and paragraphs 7, 29 and 55 of the NPPF.
- 11.3 In consideration to the above policies and the proposed development the Framework (NPPF) also stresses at paragraph 7 that there are three dimensions to sustainable development namely economic, social and environmental and these dimensions give rise to need for the planning system to perform three similarly named roles. For example; under the "social role" there is need in supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present

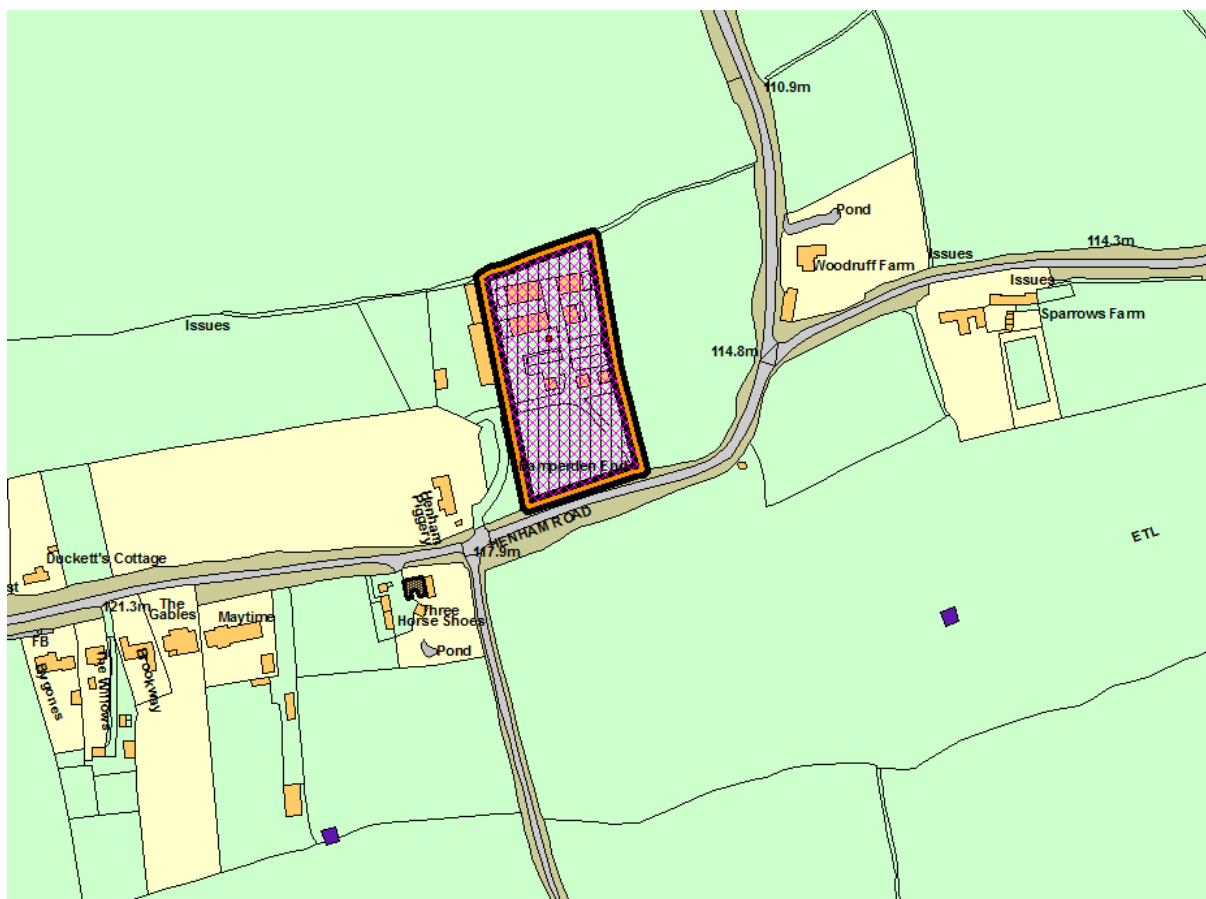
and future generation; and by creating a high quality built environment, with accessible local services that reflect the community's needs and supports its health, social and cultural well-being..." The provision of housing falls within the social role, and the protection or enhancement of the natural environment comes within the environmental role. The Framework goes on to state that the three roles....should not be taken in isolation, because they are mutually dependent...." In terms of the economic role, the proposal will not go far enough because after the construction of the proposed single dwelling house the economic role of the proposed development would come to end. Hence, to achieve a sustainable development economic, social and environmental gains should be sought jointly and simultaneously through the planning system... (paragraph 8).

RECOMMENDATION – REFUSAL

- 1 The replacement of seven utilitarian buildings with a single dwellinghouse within this part of open countryside in the absence of a justification for such development within such location would amount to inappropriate development in the rural area and would be contrary to Policy S7 of the Local Plan. The proposed site in terms of its location is likely to generate volume of private cars because it is not easily accessible to local infrastructure such as school, local shops, local bus services, community halls and other local facilities and as a result it would induce the need of highly dependable on the use of private cars making the proposed development unsustainable. Hence, the proposed residential dwelling within such location did not fully satisfy all the criteria to Policy GEN1. The benefits of the proposal therefore did not outweigh the objectives of Policy S7.
- 2 The scale, mass, bulk, position, layout, height, width, length and design of the single dwellinghouse are considered not be sympathetic to the character and appearance of this part of the open countryside which would detract the openness and permanence of this part of open countryside. The location of the proposed single dwelling house is not considered to be sustainable because it is not easily accessible to local shops, school, community facilities and to rural bus services. And the proposal would therefore encourage development of this scale, mass and bulk in inappropriate location. The proposal therefore is not in accordance with Policy GEN2 of the Adopted Local Plan and it is also in conflict with paragraphs 7 and 79 of the National Planning Policy Framework.

Application no.: UTT/14/0073/FUL

Address: Land At Hamperden End Henham Road Debden



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