

**UTT/14/0731/FUL (WHITE RODING)**

(Referred to Committee by Cllr S Barker. Reason: Loss of amenity to the occupiers of 2 Bretts Villas)

**PROPOSAL:** Change of use from garden of domestic dwelling to grassed seating area to Black Horse Inn

**LOCATION:** Land to Rear of 1 Bretts Villas, Marks Hall Lane, White Roding, Great Dunmow

**APPLICANT:** Mr M Deakin

**AGENT:** Mr S Livermore

**EXPIRY DATE:** 12 May 2014

**CASE OFFICER:** Luke Mills

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**1. NOTATION**

1.1 Development Limit.

**2. DESCRIPTION OF SITE**

2.1 The application site is located in the centre of White Roding. It consists of a portion of land which currently serves as part of the rear garden to 1 Bretts Villas and lies to the rear of the Black Horse Inn public house.

**3. PROPOSAL**

3.1 The application is for planning permission to change the use of the land to a grassed seating area which would be used in connection with the Black Horse Inn. It would be attached to the existing pub courtyard.

**4. APPLICANT'S CASE**

4.1 No case has been submitted.

**5. RELEVANT SITE HISTORY**

5.1 Planning permission was granted under application number UTT/13/1447/FUL for the conversion of part of the original pub to a dwelling, incorporating the erection of a single storey extension to the pub and the demolition of a garage.

**6. POLICIES**

**6.1 National Planning Policy Framework**

- 8. Promoting healthy communities

**6.2 Uttlesford District Local Plan 2005**

- Policy S3 – Other Settlement Boundaries

- Policy GEN2 – Design
- Policy GEN4 – Good Neighbourliness
- Policy ENV2 – Development Affecting Listed Buildings

## **7. PARISH COUNCIL COMMENTS**

- 7.1 White Roding Parish Council has raised concerns over the impact of the proposal upon the living conditions of residential neighbours from noise, loss of privacy and cigarette smoke.

## **8. CONSULTATIONS**

### **UDC Environmental Health**

- 8.1 The Environmental Health Officer raises no objection, and states that noise nuisance could be suitably addressed if necessary through environmental health legislation and/or a review of the premises licence.

## **9. REPRESENTATIONS**

- 9.1 Neighbours were notified of the application by letter. Four representations have been received, which raise objections to the proposed development. The reasons for the objections are summarised below:

1. The development would cause nuisance to neighbours from noise. Examples include bouncy castles, barbecues and open air functions continuing late into the evening.
2. There would be a loss of privacy at Nos. 2 and 3 Bretts Villas.
3. Planning permission has been granted for an extension at 2 Bretts Villas, which would be particularly affected by noise and privacy issues.
4. The development would cause smoke and odour from barbecues.
5. The property value of 2 Bretts Villas and 1 Blackhorse Cottage would be reduced.
6. The pub does not need a larger garden.
7. Further development may take place on the site if the pub proves not to be viable, perhaps of a residential nature.
8. The pub may be an Asset of Community Value.
9. The applicant has been building without planning permission.
10. The proposed hedge could block daylight from 1 Blackhorse Cottage.
11. The proposal would conflict with policies SP1, SP2, SP8, EN5 and SP9 of the Pre-Submission Local Plan.

- 9.2 Members are advised of the following responses to the above points:

1. Considered in the below appraisal.

2. It is considered that loss of privacy would not occur due to the ground level position of the site and the first floor level of the bedrooms which would allegedly be overlooked. It is noted that views of the windows are already possible with the existing land use.
3. Planning permission was granted under application number UTT/0379/07/FUL. It appears that the permission has expired. Even if the extension were to be built, it is considered that the conclusions in the below appraisal would not be affected.
4. It is unlikely that smoke or odour would cause significant nuisance to neighbours due to the distance from buildings. Furthermore, barbecues could already be used with the current land use.
5. Not a material planning consideration.
6. The need for the proposal is not a relevant consideration in this case.
7. Not a material planning consideration.
8. The pub has not been designated an Asset of Community Value, nor has it been nominated for designation.
9. It is considered that any alleged unauthorised development does not have a bearing on this application. Unauthorised development will be investigated if a formal complaint is made to the Council's enforcement team.
10. Not a material planning consideration. The proposed landscaping does not require planning permission and its maintenance cannot be regulated.
11. The Pre-Submission Local Plan carries little weight. In any case, policies EN5 and SP9 are not relevant, and it is considered that the below conclusions would not be affected if the other policies were used.

## **10. APPRAISAL**

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

- A Spatial strategy (ULP Policy S3)
- B Promoting healthy communities (NPPF)
- C Noise nuisance (ULP Policy GEN4)
- D Design (ULP Policy GEN2)
- E Impact on listed buildings (ULP Policy ENV2)

### **A Spatial strategy**

- 10.1 Policy S3 indicates that development within the White Roding development limit will be permitted where it would be compatible with the settlement's character and countryside setting. It is considered that there is no conflict with Policy S3, particularly because the proposal seeks to add to an existing public house use which is consistent with the village setting.

### **B Promoting healthy communities**

- 10.2 It is considered that the proposal is supported by Paragraph 70 of the NPPF, which states that local planning authorities should plan positively for the use of community

facilities such as public houses to enhance the sustainability of communities and residential environments.

## **C Noise nuisance**

10.3 Policy GEN4 states that development will not be permitted where noise generated would cause material disturbance or nuisance to occupiers of surrounding properties. It is acknowledged that the proposed use could cause some degree of disturbance to nearby residents. However, taking into account the comments of the Environmental Health Officer, it is considered that adequate safeguards are in place under separate legislation to prevent significant harm. It is therefore considered that the proposed change of use would not conflict with Policy GEN4.

## **D Design**

10.4 Policy GEN2 requires development to meet a number of criteria in relation to design. The policy has limited relevance to the proposal, although it is considered that the proposed fencing would be compatible with the appearance of the surrounding area because it would match the existing fencing around the site. It is therefore considered that there is no conflict with Policy GEN2.

## **E Impact on listed buildings**

10.5 Policy ENV2 states that development affecting a listed building should be in keeping with its scale, character and surroundings. Bretts Cottage is a Grade II listed building which lies to the east of the pub car park. However, it is considered that the proposed change of use would not have a material impact on the setting of the building, particularly because little operational development is proposed.

## **11. CONCLUSION**

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

A The proposed development would not conflict with the spatial strategy of the Local Plan, or with relevant policies on design, noise nuisance or impacts on listed buildings. Weighing in favour of granting planning permission is the contribution towards enhancing the sustainability of the community, while no considerations weigh against granting planning permission.

### **RECOMMENDATION – CONDITIONAL APPROVAL**

Conditions/reasons

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 proposed fencing shall be erected prior to the commencement of the use hereby permitted.

REASON: In the interests of the appearance of the site in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

Application no: UTT/14/0731/FUL

Address: Land to Rear of 1 Bretts Villas, Marks Hall Lane, White Roding, Great Dunmow



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**Scale:** 1:414

Organisation	UDC
Department	Planning
Comments	Not Set
Date	22/05/2014
MSA Number	100018688