

## UTT/14/3779/OP (Ashdon)

(Referred to Committee by Cllr A Ketteridge. Reasons: 1) Lawful Use Certificate previously refused to use the site as a builder's yard and UDC have not subsequently taken enforcement action to cease the use, 2) The site is located outside development limits and 3) The site is not within a sustainable location as it is not convenient to village services.

<b>PROPOSAL:</b>	<b>Outline application for the erection of 2 No. detached dwellings and garages with all matters reserved except access and scale, and change of use from builder's yard to residential</b>
<b>LOCATION:</b>	<b>Land east of Hops Close Farm, Over Hall Lane, Ashdon</b>
<b>APPLICANT:</b>	<b>Mr I Ford</b>
<b>AGENT:</b>	<b>KMBC Planning</b>
<b>EXPIRY DATE:</b>	<b>9 February 2015</b>
<b>CASE OFFICER:</b>	<b>Clive Theobald</b>

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### **1. NOTATION**

1.1 Outside Development Limits.

### **2. DESCRIPTION OF SITE**

2.1 The site is situated at the top end of a narrow and winding single track unclassified lane without footpath (Over Hall Lane) which ascends from Steventon End up to Overhall, a large residential property with grounds situated immediately past the site on its south-eastern side. The site itself comprises a builder's yard of 0.45 ha containing a large portal framed workshop building with stores building to the rear positioned onto the south-eastern boundary with large concrete hardstanding area used in part for the external storage of building materials. A large spoil heap of concrete and rubble exists towards the rear of the site with further smaller spoil heaps beyond where more spoil has been brought onto the site in recent months. The site rises gently from the front to the rear, although is relatively level across its width.

2.2 A loose line of dwellings lead up Over Hall Lane primarily along the southern side of the site comprising smaller dwellings at the beginning of the lane and larger dwellings set back from the lane within generous sized curtilages approaching the site. The track leading off the lane extending past Overhall (Lawkens Lane) is a classified public right of way.

### **3. PROPOSAL**

3.1 This re-submitted outline application proposal relates to the change of use of the existing builders yard to residential use involving the erection of 2 No. detached dwellings with garages with all matters reserved except access and scale where planning permission was refused by the Council under delegated powers in November 2014 for an identical proposal due to a failure by the applicant to make affordable housing contributions in connection with the proposed development (see below). The submitted indicative drawings show how two 4+ bedroomed dwellings with detached garages could be accommodated on the site with the dwelling for Plot 1 shown

positioned at the front of the site and the dwelling for Plot 2 positioned to the rear accessed by a long side access drive.

- 3.2 It is stated in the accompanying Design and Access Statement that each dwelling would be 1½ storeys in height and would be of traditional design and appearance. Whilst not a matter for consideration at outline stage, indicative landscaping details have been submitted with the application to show how the development could be screened and assimilated within the site.

#### **4. APPLICANT'S CASE**

- 4.1 The application is accompanied by a revised Supporting Planning Statement updated 11 December 2014, the conclusions of which are summarised as follows:

- The site, whilst being just outside development limits for Ashdon, is not located within open countryside and represents a brownfield site which has established use;
- The site is within a sustainable location, being approximately 100 metres from the bus stop with a regular service into Saffron Walden with its full range of services and facilities and is within walking distance to facilities afforded in Ashdon;
- The small scale development proposed is considered not to adversely impact on existing residential amenity where the proposed dwellings would be positioned some 50 metres away from the nearest existing dwelling and in excess of 80 metres away from other existing dwellings;
- The Council has an inadequate housing land supply as identified in the Planning Inspectorate's decision in December 2014 and as a result the "presumption in favour of sustainable development" policy in the NPPF should prevail where this policy requires the Council to grant planning permission unless there are any adverse impacts which outweigh the benefits of the proposal.
- On this basis, it is hoped that the Council will be supportive of this application.

- 4.2 The Executive Summary within the applicant's supporting statement has been updated and now includes the additional paragraph as follows:

"The proposed scheme was found acceptable when considered under application UTT/14/1624/OP subject to a unilateral undertaking for an affordable housing contribution being made, but the recent change to local and national planning policy (and following similar successful appeals by the applicant) makes this contribution now unnecessary and planning approval should logically follow".

#### **5. RELEVANT SITE HISTORY**

- 5.1 Retention of stable building and change of use to building store refused in 2003. Use of land as builders' yard and operations centre for a builders' and developers' business, storage of builders' plant, machinery and materials, use of workshop for vehicle and plant repair and servicing and indoor storage refused a Certificate of Lawfulness for an Existing Use or Development in 2003 and again in 2004 (UTT/0102/03/CL and UTT/1545/03/CL) (Hops Close Farm Yard). The decision notice was not appeal against.

- 5.2 The reason for refusal for the grant of a lawful use certificate for both applications was as follows:

"The applicant has failed to provide clear and unambiguous information to support the contention that, on the balance of probabilities, the use of the land as a builder's yard and as an operations centre for a builder's yard developer's business, storage of

builder's plant, machinery and materials, use of workshop for vehicle and plant repair and servicing and indoor storage has been carried out on the site continuously for a period of ten years prior to the submission of the application".

- 5.3 The application was accompanied by statutory declarations submitted by Iain Ford (applicant for the current planning application) and other persons acquainted with Iain Ford and his construction business (Ford Construction). Supporting evidence was submitted with both applications which stated that Hops Close Farm Yard had been used solely as a builder's yard by Ford Construction from 1989 to 2003 and that the site was also the Operating Centre for the applicant's commercial vehicles. Aerial photographic evidence was also submitted with the applications.
- 5.4 Planning permission was refused on 18 November 2014 under planning application reference UTT/14/1464/OP on the sole ground that the proposed development as a two dwelling scheme prior to a subsequent change in government policy advice on 28 November 2014 relating to tariff style contributions generated the need for a financial contribution towards affordable housing for the district in accordance with the Council's Developer's Contributions document dated March 2014 as a "Material Consideration", but where the application provided no mechanism for addressing the need for affordable housing provision. Notwithstanding this reason for refusal, the delegated officer report for the proposal concluded that the proposal was acceptable in principle in terms of its planning merits as follows:

"The site comprises previously developed land of a non-conforming commercial nature which strongly appears to have become established by the passage of time and which is causing material harm to both the rural and residential amenities of the immediate area. The NPPF encourages the re-use of previously developed land for those sites which are not of environmental value, which the site is not, whilst the proposal through the removal of the current unauthorised commercial use and introduction of residential development in its place would bring about significant environmental benefits to both the site and its immediate surroundings. Additionally, the site has a good bus service to both Ashdon and Haverhill and therefore has reasonable connectivity. In these respects, the proposal would comply with the provisions of the NPPF. No highway objections have been raised to the proposal, whilst the scale of the proposed dwellings as indicated would be acceptable within their immediate setting at the top end of Over Hall Lane. The proposal is therefore considered acceptable in principle".

## **6. POLICIES**

### **6.1 National Policies**

- National Planning Policy Framework

### **6.2 Uttlesford District Local Plan 2005**

- ULP Policy S7 – The Countryside
- ULP Policy H10 – Housing Mix
- ULP Policy GEN1 – Access
- ULP Policy GEN2 – Design
- ULP Policy GEN7 – Nature Conservation
- ULP ENV14 – Contaminated Land

SPD "Developer's Contributions Guidance Document" (January 2015).

## **7. PARISH COUNCIL COMMENTS**

7.1 To be reported.

## **8. CONSULTATIONS**

### **Essex County Council Highways**

8.1 No highways objections.

### **Essex County Council Ecology**

8.2 The applicant has answered “No” to all of the questions on the biodiversity questionnaire. However, the site is bounded by hedgerows and trees and there appears to be a pond in close proximity. I therefore consider there to be potential for protected species at or within the immediate proximity of the site and I recommend that an ecologist is engaged to visit the site. If the applicant considers that there are no issues with protected or priority species, clear photographs of all habitats and a statement from the ecologist explaining why there are no issues will suffice. If they feel there may be issues, a full Preliminary Ecological Appraisal (PEA) should be carried out which will assess the value of the site and identify any further protected species surveys that may be necessary. The statement/PEA and any surveys found to be necessary must be submitted prior to determination to allow the Local Authority to assess the impacts of the proposed development on bio-diversity in accordance with the Natural Environment And Rural Communities Act 2006, the NPPF and Natural England Standing Advice. No site clearance should take place until ecological work is complete”.

## **9. REPRESENTATIONS**

9.1 2 representations received for current application, although representations carried across from refused application UTT/14/1464/OP in view of identical nature of application proposal when 6 representations were received and in view of Councillor call-in request for current application re-submission. Neighbour notification expired 20 January 2015. Site notice expired 27 February 2015.

- Current builder’s yard is unlawful and the Council should be taking enforcement action to cease the inappropriate use rather than be considering approving an alternative use for the site. As such, the application description should read “Change of use from Agricultural to residential”.
- Site has not been a builder’s yard for 20 years. Commercial activity at the site has considerably increased in the last few years.
- Over Hall Lane is a single track lane with no passing places or footpaths thereby making it impossible for vehicles travelling in opposite directions to go anywhere other than reverse to either end of the lane or onto private driveways to allow them to pass. UDC refuse lorries have to turn into the builder’s yard to come back down the lane.
- Over Hall Lane is not, and never has been, a suitable road for HGV’s or indeed regular and sustained vehicle use as has been shown by the damage caused to the road surface, verges, hedges, water pipes, telegraph pole and private property due to the width and weight of these vehicles. Also concerns of structural damage being caused to dwellings along the lane.

- Very recently there has been another incident of a damaged underground water pipe in the lane, which according to Anglian Water was caused by the heavy traffic use, which is totally unsuitable for this environment.
- Occasionally, delivery lorries and lo-loaders that have been unable to access the yard due to the narrowness of the lane are loaded and unloaded outside Michaelmas Fair and Wuddys Cottage causing some inconvenience to local traffic.
- Appear to be faced with the choice between the erection of two large houses or the continuation of a builder's yard.
- Applicant's reasoning for much of the current proposal appears to be that it is better to have residential use at the site than having an illegal builder's yard with noise, general pollution, lane damage and property damage which he created.
- The proposed dwellings offer a way to rid the lane of this often busy, noisy and inappropriately positioned builder's yard.
- The two large houses proposed (and certainly no more) would not be out of keeping with the character of the lane as there is a natural progression up the lane from small residences to the larger dwellings at the top end.
- The development would not be sustainable at this location.
- Site located outside development limits.
- The bus service is irregular and subject to delays due to the minor road nature and frequent flooding. The school bus does not come to Steventon End.
- Dangerous to walk into Ashdon village and there has already been a fatality;
- Ashdon is a small community with limited services which would be diluted by gradually enlarging it and changing its nature.
- The grant of planning permission for this development would set a local precedent for other people with available land to make applications to develop on them.
- It appears that at the same time the applicant is applying for a GVOL for an Operating Centre for goods vehicles at Over Hall Farm, which is the applicant's residence and the registered address of Ford Wells Construction and which is next to the application site. It would therefore lead us to believe that the existing builder's yard would still be in operation, albeit having moved by a few yards to a different address, with the continuing presence of heavy vehicles using the lane, plus the addition of further vehicle traffic from the new residences. This would become untenable and detrimental to the environment.
- Should it be the case that the existing builder's yard was to gradually migrate to Overall Farm, it is possible that this migration would then drift into permanency after building completion if the planned houses are granted permission. If this were the case, and since the presence of two 4+ bedroom detached houses could eventually lead to at least 5 cars per household, this would mean an extra 10 cars at least routinely using the lane, together with the Ford Wells associated light and heavy traffic.
- Is it possible that a constraint could be placed on any part of the Over Hall Farm site from being used as a storage facility/builders yard?
- Recently, lorries have been bringing soil up to the site at weekends to form a bank to provide privacy for residents, although this has disturbed weekend residential amenity enjoyment.

## 10. APPRAISAL

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

- A Principle of change of use to residential use at this rural site location taking into account the existing commercial use and planning history of the site, sustainability aims and objectives, countryside protection and housing mix (NPPF and ULP Policies S7 and H10).

- B Access (ULP Policy GEN1).
- C Scale (ULP Policy GEN2).
- D Nature Conservation (ULP Policy GEN7).
- E Contaminated land (ULP ENV14).
- F Affordable housing financial contributions (SPD – National Planning Policy Guidance and “Developer’s Contributions Guidance Document” (January 2015)).

**A Principle of change of use to residential use at this rural site location taking into account the existing commercial use and planning history of the site, sustainability aims and objectives, countryside protection and housing mix (NPPF and ULP Policies S7 and H10).**

- 10.1 As noted from the planning history above, two Lawful Use Certificate (LUC) applications for an Existing Use or Development have previously been refused for this site in 2003 and again in 2004 in connection with the use of the site as a builder’s yard and as an operations centre for a builder’s and developer’s business, together with associated activities on the grounds that the applicant had failed to provide clear and unambiguous information to support the contention that, on the balance of probabilities, the use had been used continuously for a period of ten years, i.e., since at least 1993/1994, notwithstanding the applicant’s claim that the use had first commenced in 1986 in parallel with a farmyard (piggery) and then solely as a builder’s yard (Ford Construction). It is the case that another ten/eleven years have elapsed since those applications without enforcement action having been taken by the Council and it is claimed in the current planning application for change of use that the builder’s yard at the site has now been operating continuously for a total of twenty years until the present day without interruption.
- 10.2 Anecdotal evidence such as Get Mapping aerial photography for the application site for the years 2004 and 2009 shows that the site area and the physical characteristics of the site were similar for both dates and similar to the position on the ground today, although this is not conclusive evidence of course of continuous use, whilst it is stated in the representations received for the current application that the use has intensified only in the last few years. It is the case, however, in planning law that intensification of a prevailing activity does not in itself represent a material change of use (materiality) if the nature and character of the use does not change, which strongly appears to be the case with the current commercial use of the site. As such, whilst it is recognised that the builder’s yard does not currently have a lawful status where no further LUC applications have been submitted since 2003/04, it is the Council’s considered view ten years on from the determination of those previously refused applications that the applicant would most likely be able to successfully prove a lawful use on the balance of probabilities with a further ten years’ worth of evidence to be able to be submitted where enforcement action has not been taken in the intervening period to cease the use. It should be noted that the applicant is not under any obligation to submit a further LUC application to the Council for formal consideration to justify the established use claim made within the supporting planning statement for the current planning application and this would seem unlikely in the near future.
- 10.3 As previously described, the site comprises an active builder’s yard which appears to have increased in commercial activity in recent years. It’s location at the top end of Over Hall Lane, which is a single track lane without footpath which converts into a public right of way track immediately beyond the site is a non-conforming use which is considered inappropriate for this rural location where it is understood that commercial vans and delivery lorries are driven to and from the site on a regular basis in connection with the use. The site visit carried out for the current application revealed that various plant and stacks of building materials were being stored at the site, whilst

an HGV tipper truck was seen parked towards the rear, although no vehicle movements were occurring at the site at the time of the visit. The site has an open and unsightly appearance commensurate with its commercial use and given the expansive areas of internal hardstanding with wide mouthed site entrance, albeit that the site contains vegetation along its flank and rear boundaries which screen the site to a large extent from wider countryside views. As such, it is considered that the existing use by reason of its commercial nature is injurious to the rural character of the area.

- 10.4 The NPPF is a material planning consideration when determining planning applications and the policies contained within the framework are required to be taken into account when considering planning applications. The NPPF defines three strands of sustainability, namely environmental, social and economic and due regard has to be had to their individual and collective importance in assessing the merits of an application proposal. The NPPF states in this regard that applications for housing development should be considered in the context of the presumption in favour of sustainable development. The NPPF also encourages the effective use of land by re-using land that has been previously developed (brownfield land) providing that it is not of high environmental value.
- 10.5 The site itself constitutes previously developed land in view of its present use as a builder's yard, albeit that it is understood that it was formerly a piggery yard during the 1980's. Whilst located within a rural area within a relatively isolated end of lane position, the site itself does not represent a site of high environmental value by reason of its continuing commercial use. As such, the proposed re-use of the site for a lesser intensive use, namely residential development, would conform with the aims of the NPPF in this respect (environmental strand) and would clearly represent an environmental improvement for the site and its immediate surroundings through the removal of the non-conforming builder's yard where the overall visual impact of two dwellings on the countryside at this location if appropriately scaled, designed and landscaped would, it is asserted, have less visual harm on the local landscape compared to the builder's yard they would replace. Whilst it is acknowledged that the use of the site for housing would be strictly contrary to ULP Policy S7, a balance has to be struck in this particular case between the environmental benefits which the introduction of two dwellings on the site would bring compared to the prevailing harm of the existing non-conforming builder's yard, including the traffic problems experienced and lane verge damage sustained along this narrow lane associated with the unauthorised use as reported in the representations for the current application.
- 10.6 The site is located outside development limits for Ashdon within the small hamlet of Steventon End which does not benefit from any local services or facilities. In terms of means of access to public transport (i.e., social strand), the bottom end of Over Hall Lane is served by the No.59 bus which runs between Haverhill to Saffron Walden and which passes through Steventon End up to nine times a day Mondays to Fridays and three times on Saturdays, which is considered quite frequent for the general area. Whilst the site is located at the top end of Over Hall Lane, which does not possess a footpath, it is located approximately ten minutes' walk to the nearest bus stop and it is considered in this regard that the site is situated within a reasonably accessible location relative to Ashdon in terms of connectivity, the nearest settlement situated some two miles away which has some local services, including a primary school, albeit that it is most likely that the occupiers of the dwellings would be more reliant upon the car as a means of transport. In terms of the economic strand, the proposal is likely to provide a source of local employment for the applicant who is a local builder and developer, but that is all.

- 10.7 The site has a stated area of 0.45 ha and consideration has to be given to housing mix where ULP Policy H10 states that all developments on sites of 0.1 ha and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties. The proposed development by reason of the two large detached market dwellings as indicated on the submitted plans clearly does not make provision for smaller market dwellings on the site and would not normally comply with this policy in this respect. However, this normal policy requirement has to be clearly weighed against the merits or otherwise of providing smaller additional dwelling units at the site at this rural location, to possibly include affordable housing, where it is considered that both of these alternative options would be inappropriate outside Ashdon village itself.
- 10.8 The applicant makes the case that the Council is not able to demonstrate a readily supply of housing land within its district over the next five years and that there is a need for the development to take place, adding that the Council has had persistent under delivery over the last ten years. As a result, it is contended that this lack of housing is a material consideration when determining planning applications and that the Council's adopted housing plan policies are out of date, adding that the "presumption in favour of sustainable development" policy in the NPPF should prevail. However, it is the case that the Council is currently able to demonstrate a 5.2 year housing supply for the district following the grant of larger residential schemes for the district where it does not consider itself to be a 20% authority. As such, it is considered that this additional argument in favour of the principle of the proposed development carries less material weight than the other main arguments as discussed and reasoned above.

#### **B Access (ULP Policy GEN1).**

- 10.9 As previously mentioned, Over Hall Lane is a narrow unclassified single track lane with a blind bend as it ascends up to Overall Farm past the application site. Given its restricted width, the lane is considered unsuitable for commercial traffic associated with the current builder's yard where vans and other commercial vehicles associated with the unauthorised use are driven up and down the lane past residential properties to and from the application site. The redevelopment of the site involving a change of use from commercial to residential would, it is suggested, introduce a less intensive use of the lane in terms of types of vehicles and daily/weekly vehicle flows and would as a consequence lead to less movement pressure on it, notwithstanding that the dwellings proposed are indicated as being 4 bedroomed + in nature and could therefore have potentially up to three cars per dwelling.
- 10.10 Vehicular access into the site would be via the existing commercial entrance as modified where the entrance would have a width of 4.8 metres. ECC Highways have been consulted on the proposal and have not raised any access objections subject to highway conditions. Therefore, it is considered that the proposal would comply with ULP Policy GEN1 in terms of site access. Whilst site layout is an elected reserved matter, the indicative layout drawing submitted shows that parking at the site for both dwellings could be easily achieved (ULP Policy GEN8).

#### **C Scale (ULP Policy GEN2).**

- 10.11 Scale falls to be considered with the current outline application which proposes 2 No. 1½ storey dwellings as shown on the indicative layout and elevational drawings of identical cross-wing design to be sited centrally within their respective plots. The dwellings as indicated would be quite sizeable in terms of their overall scale and footprint. However, whilst this is noted, the two dwellings which stand further down the lane from the site to include Hops Farm adjacent are also sizeable in terms of their built



form where these stand within generous grounds, particularly Hops Farm located immediately adjacent to the site. Added to this that the new dwellings are shown at 1½ storey, it is considered that the scale of the proposed development would be appropriate for its immediate surroundings at this rural location commensurate with the scale of adjacent dwellings and would comply with ULP Policies S7 and GEN2 in this respect subject to the provision of appropriate boundary landscaping to soften their collective impact and detailed house drawings being submitted at reserved matters stage.

#### **D Nature Conservation (ULP Policy GEN7).**

10.12 The site comprises an established commercial builder's yard in regular use with vehicle movement across the yard which is devoid of any interior vegetation with a large expanse of frontage concrete hardstanding. Whilst the site contains boundary hedgerows which could contain seasonal nesting birds and various spoil heaps which could in other circumstances provide hibernula cover for reptiles, it was considered unlikely for the ecology assessment for the previously submitted application for the same proposed development under UTT/14/1464/OP where ECC Ecology was not consulted that the interior of the site was unlikely to provide suitable natural habitats for protected or priority species and thus was considered to have low habitat value where this view was expressed by the applicant, although it was acknowledged that bats could possibly forage in the lines of mature trees which form the flank boundaries of the site. No ecology objections were therefore raised to the proposal on this basis under ULP Policy GEN7.

10.13 ECC Ecology have been consulted on the current re-submission application and its comments have been set out in the consultation responses section above where it will be noted that it has objected to the proposed development on the ground of lack of sufficient ecology information being provided where it considers that the site has the potential to provide natural habitat for protected or priority species and where Overall Farm to the immediate west contains a large pond (which could harbour Great Crested Newts). As such, ECC Ecology recommends that an ecologist is engaged to visit the site to ascertain the position and for an ecology appraisal and, if necessary, individual species surveys to be conducted to ascertain the extent of any such populations/habitats.

10.14 The applicant's agent has responded to the consultation response by saying that it is considered extremely unlikely given the prevailing site conditions as an active builder's yard with industrial machinery present on hard ground that protected species would be present on the site and that in any event the application has currently been presented at outline stage only whereby any ecology concerns could be dealt with by way of planning conditions, adding that the proposal offers the opportunity for wildlife enhancement through the introduction of soft landscaped and planted areas at the site for the proposed dwellings to replace the existing brownfield site and that no objections were raised with the previously submitted application.

10.15 It is considered that a pragmatic view has to be taken with this application proposal where it is the case that no previous ecology objections were raised to the previous application submission following the officer visit to the site and where the applicant has completed the Natural England checklist tree flowchart for the current "re-submitted" application relating to site conditions. However, this is not to say of course that the development would not be harmful to protected or priority species if the extent of such populations and any nearby habitats are currently unknown in the absence of any formal walk-over survey as now requested. As such, the applicant has been requested

to provide further information on the ecological impacts of the proposed development and this information will be reported to Members.

#### **E Contaminated land (ULP ENV14).**

10.16 It is possible that the site may contain traces/deposits of previous/present contaminants such as oil or diesel pollutants associated with the commercial nature of the site, although the site is not registered by the Council as being previously contaminated land where the current use of the site stems from a former agricultural use conducted in the 1980's. Whilst the Environmental Health Officer has not been consulted on the proposal, it is considered that it would be appropriate and expedient in the circumstances to apply the four stage model contamination/remediation condition to any planning permission granted for the proposal to reduce the risk of pollution to human receptors arising from the proposed change of use to residential (ULP ENV14).

#### **F Affordable housing financial contributions (National Planning Policy Guidance update and SPD "Developer's Contributions Guidance Document" (January 2015).**

10.17 Changes in the tariff style financial contributions for affordable housing on smaller housing schemes were introduced by the government on 28 November 2014 in its updated National Planning Policy Guidance whereupon the previous requirement for such schemes (where this also included the current proposal scheme for the erection of two dwellings under refused application UTT/14/1464/OP) to require such contributions were removed for ten dwelling units or less where this new national policy guidance is reflected in the Council's updated Developer's Contributions Guidance Document" - January 2015. As such, the proposed scheme as re-submitted under the current planning application no longer requires a financial contribution towards affordable housing and the previous sole reason for refusal given against application UTT/14/1464/OP is no longer relevant and cannot in the circumstances continue to be substantiated.

### **11. CONCLUSION**

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

- A The site comprises previously developed land of a non-conforming commercial nature which strongly appears to have become established by the passage of time and which is causing material harm to both the rural and residential amenities of the immediate area. The NPPF encourages the re-use of previously developed land for those sites which are not of environmental value, which the site is not, whilst the proposal through the removal of the current unauthorised commercial use and introduction of residential development in its place would bring about significant environmental benefits to both the site and its immediate surroundings
- B The site is considered to be in a sustainable location having a good bus service and would comply with the social strand of the NPPF.
- C No highway objections have been raised to the proposal.
- D The scale of the proposed dwellings as indicated would be acceptable within their immediate rural setting.

## **RECOMMENDATION – CONDITIONAL APPROVAL**

### Conditions/reasons

1. Approval of the details of the layout, appearance and landscaping (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

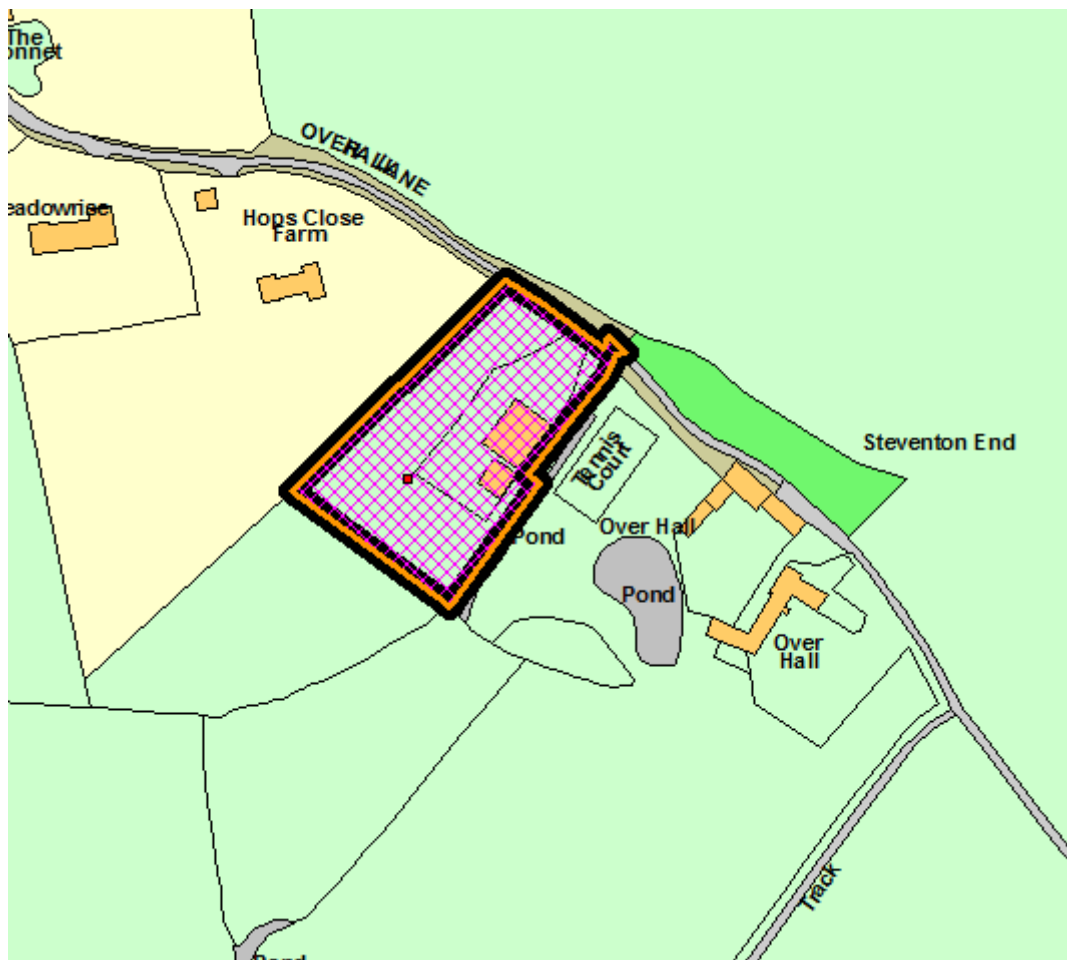
REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

4. Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 5.5 metres, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

Application no.: UTT/14/3779/OP

Address: Land east of Hops Close Farm, Over Hall Lane, Ashdon



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Organisation: Uttlesford District Council

Department: Planning

Date: 27 February 2015

SLA Number: 100018688