

UTT/15/2045/FUL – STANSTED

(Referred to Committee by Cllr Sell. Reason: Enforcement history at the site)

PROPOSAL: Retrospective change of use of part of the land from agricultural to equine and the erection of a stable block

LOCATION: Land at New Farm Stansted Road, Elsenham

APPLICANT: Mrs Medwell

EXPIRY DATE: 3rd September 2015

CASE OFFICER: Sarah Marshall

1.0 NOTATION

1.1 Outside Development Limits, Within buffer of M11.

2.0 DESCRIPTION OF SITE

2.1 The site is an area of a land roughly rectangular in shape and is located within a larger agricultural field which is currently vacant. The land faces northwest/south east and runs parallel to the M11 motorway. Access to the land is made by way of a gated entrance to the left hand side of the land and leading off the B1051 Stansted Road.

3.0 PROPOSAL

3.1 The application is for the retrospective change of use of part of the land from agricultural to equine and the erection of a stable block. The stables will be located on the eastern side of the site and will consist of three stables and a tack room.

3.2 It should be noted that there are some other works being carried out on the site, however these fall outside of the red line of this application and are being investigated by the Essex County Council's Waste and Minerals Enforcement Team.

4.0 APPLICANTS CASE

4.1 The applicants have submitted plans of the proposed stables which have not yet been erected on the site. The horses are already on site. The large metal barn is currently in use at the present time for the welfare and safety of the horses, however this will cease when the stable block is erected.

5.0 RELEVANT SITE HISTORY

5.1 UTT/1756/88 -
Construction of new vehicular access. Conditional planning permission was granted on 01 December 1988.

5.2 UTT/0957/90 -
Outline application for two storey dwelling. Conditional planning permission was granted on 2nd October 1991.

5.4 P/A/2/14/17 -

Agricultural determination application for erection of a building. The application was determined on 04 January 1993 and the applicant was advised that a planning application would be required because the land was less than 5 hectares

5.5 ENF/43/96/D-

Storage of mobile home and containers. File opened 21st February 1996. This was closed for compliance.

5.6 ENF/13/0108/C

The original complaint was that a stable block had been erected which was to form part of an unauthorised animal rescue centre activity being carried out on the site. As a result of the investigation into the unauthorised works the Council issued an enforcement notice. This notice was upheld and varied at the appeal stage. The activity has now ceased and the chattel's associated with the activity which included stables, mobile homes and portaloos have been removed from the site. As such the notice has been complied with and the case has been closed.

6.0 POLICIES

6.1 National Policies

- NPPF

6.2 Uttlesford District Local Plan 2005

- S7 Countryside
- GEN2 Design
- ENV13 Poor Air Quality
- E4 Farm Diversification

7.0 PARISH COUNCIL COMMENTS

7.1 Stansted Parish Council did not wish to make any comments on this application

8.0 CONSULTATIONS

Environmental Health

8.1 The development has the potential to cause loss of amenity to nearby residential premises due to odour and smoke from handling of the waste arising from the development, and the installation of external lighting. There is also potential to contaminate surface water features outside the control of the Environment Agency.

The following safeguarding conditions are requested:

A detailed scheme for the management of waste shall be submitted to and approved by the local planning authority. The storage and disposal of solid waste, run off and waste water shall be carried out in accordance with the approved scheme at all times and thereafter.

No external lighting to be installed without the prior written consent of the local planning authority.

Highways

- 8.2 No objection as it is not contrary to the relevant transportation policies contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

Fisher German

- 8.3 We can confirm that our client's apparatus, the CLH Pipeline System – Energy Act 2013 (CLH PS), may be affected by your proposals as indicated on the attached plan(s).

BAA Aerodrome Safeguarding

- 8.4 There are no safeguarding concerns for Stansted Airport

Stansted Airport Limited

- 8.5 No response received

OPA Central Services

- 8.6 No response received

9.0 REPRESENTATIONS

- 9.1 4 neighbourhood were consulted on this application. 4 Representations were received by the Council. The issues raised in the representations are as follows:

- This land is outside of development limits
- Why is only part of the site included in this application
- The access is a private right of way and not owned by the applicants
- Neighbours have not been consulted by the applicants this application was going to be submitted
- The speed level of the road is 50/60 and with the new housing development in Elsenham there will be an increase in the level of traffic movements on this road which will not be good for the horses and horse riders.
- The area is becoming over developed with larger stables
- There should be consistency with the address used for this plot of land
- The stables will be located within an area where a neighbours roadway is being proposed.
- There is no septic tank on site
- The location of the stables has not changed since the enforcement notice was issued so therefore still within the poor air quality buffer zone
- The application states that the use has not started however it has.

Officer response to representations

- It has been noted that the use has started on site subsequent to the application being submitted. As such the description of the application has been amended to be a retrospective application.
- Access to the site over private access is a private matter for which the Council cannot control
- The Council cannot take into consideration potential future developments.

10.0 APPRAISAL

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

- A The loss of agricultural land and the impact of the activity on the countryside setting (S7, GEN2, GEN1 and GEN8)
- B Impact on the neighbouring properties (GEN4)
- C Poor Air Quality (ENV13)

A The loss of agricultural land and the impact of the activity on the countryside setting (S7, GEN2, GEN1 and GEN8)

- 10.1 Policy S7 states that development will only be granted planning permission in the area outside of development limits where the development needs to occur or its appropriate to a rural area. The application is for the erection of a modest stable block and the change of use of the parcel of the land within the wider site for personal equine use. This will ensure that some of the site will remain for agricultural land. There are also a number of other sites within the surrounding area which are currently used for equine activities and as such it is not considered that this use will be out of keeping with the area
- 10.2 Policies S7 and GEN2 state that new development including new buildings will only be permitted if its appearance protects or enhances the particular character of the environment the site is located in. The proposed stable will be of modest height and scale and will not be out of keeping with the rural location. A condition requiring the details of the external finishing could be implemented to ensure that the final appearance of the stable block will be appropriate for the location.
- 10.3 Stansted Road is a main route between Stansted and Elsenham and the resultant traffic movements as a result of the change of use of the land will be not be noticeable on the road network. There is sufficient area for parking on the site as well for the vehicle of the permission attending the horses. As such it is considered that the development meets the Council's policies GEN1 and GEN8 of the ULP.
- 10.4 Policy E4 for which guides development for diversification of agricultural land states that development will be permitted where it complies with the criteria set out including that there will not be an increase in noise or any other adverse impacts beyond the holding; the continued viability and function of the agricultural holding will not be harmed; and that the development would not place unacceptable pressures on the surrounding rural road network. The site has been vacant for a number of years, with the exception of the unauthorised animal rescue and educational centre which was being carried out on the site.

B Impact on the neighbouring properties (GEN4)

- 10.5 Policy GEN4 states that any development which produces amongst other matters, odour and light pollution which would cause material disturbance or nuisance to occupiers of the surrounding properties will not be permitted. It is not considered that this use is causing or will cause material disturbance or nuisance for the occupants of the neighbouring properties which are some distance away from the site. This permission can be conditioned to ensure mitigation measures are put in place as well.

C Poor Air Quality (ENV13)

- 10.6 Policy ENV13 states that within 100metres of the M11 there is poor air quality and any development in this area will not be permitted if users being exposed on an extended long-term basis to poor air quality outdoors near ground level will not be permitted. Only part of the site falls within this area of poor air quality zone, and as such it is not considered that the change of use and the erection of the stables will be adversely affected by this buffer zone. It is considered that with a condition requiring the stables to be located outside of the buffer zone this matter will be overcome.

11.0 CONCLUSION

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

- A The change of use of the small part of the site for the erection of a stable block and the grazing of horses will not have an adverse impact on the character and appearance of the rural location and will be in keeping with the development within the surrounding location. The site has been vacant for a number of years and it is not considered that the change of this area for the grazing of horses for private use will have an adverse impact on the viability of the agricultural holding. It is considered that the activity will not cause an increase in traffic which will impact on the surrounding road network and there is sufficient car parking on the site. As such it is considered that the development accords with Policies S7, GNE2, E4 GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005)
- B Due to the distance of the site from the neighbouring properties and through conditions the proposed activity will not have a detrimental impact on the residential amenities of the neighbouring properties. As such the development is considered to accord with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005)
- C It is not considered that the use, which is only partially within the M11 poor air quality buffer zone will not be affected by the poor air quality from the M11. As such it is considered that the development accords with Policy ENV13.

RECOMMENDATION CONDITIONAL APPROVAL

1. Notwithstanding the site plan submitted details of the location of the stable block outside of the buffer zone shall be submitted to and approved by the Local Planning Authority within 4 months of the date of this decision.

REASON: To ensure that the use will not be adversely affected by the poor air quality in accordance with Policy ENV13 of the Uttlesford Local Plan (adopted 2005).

2. The materials used in the stable block shall be submitted to and approved by the Local Planning Authority within 4 months of the date of this decision.

REASON: To protect the rural amenities of the surrounding location in accordance with Policy S7 of the Uttlesford Local Plan (adopted 2005).

3. A detailed scheme for the management of waste shall be submitted to and approved by the local planning authority within 4 months of the date of this decision. The storage and disposal of solid waste, run off and waste water shall be carried out in accordance with the approved scheme at all times and thereafter.

REASON: In the interests of the residential amenities of the neighbouring properties in accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

4. No external lighting to be installed without the prior written consent of the local planning authority.

REASON: In the interests of the residential amenities of the neighbouring properties in accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

5. This use shall be for a private use and no commercial activities such as a livery can be used from the site.

REASON: To protect the amenities of the countryside location in accordance with S7 and E4 of the Uttlesford Local Plan (adopted 2005).

