

UTT/17/1124/FUL - (GREAT CANFIELD)

(Called in by Cllr. Artus – Development would have an overbearing impact on the street scene, the countryside and impact the setting of the listed building.)

This application was deferred from Planning Committee on 5 July 2017, to establish the Enforcement and Historic circumstances related to the development.

PROPOSAL: Section 73 retrospective application for the erection of a building for stables with associated storage and hay and feed store.

LOCATION: Haydens End, Green Street, Great Canfield

APPLICANT: Mr and Mrs Earthy

AGENT: Penny Little

EXPIRY DATE: 15 June 2017

CASE OFFICER: Nigel Brown

1. NOTATION

- 1.1 Outside development limits
Setting of Listed Building
Protected Lanes (Green Street)

2. DESCRIPTION OF SITE

- 2.1 The application site as outline in blue on the submitted location plan is located on the eastern corner of Green Street and Cuckoos Lane outside of the hamlet known as Great Canfield. The site itself has a gradual slope that rises up from its frontage along Green Street towards the rear boundary and is irregular in shape.
- 2.2 Located centrally within the residential curtilage of the site is a one and half storey grade two listed building that is externally finished from cream painted render and consists of a thatched roof. A detached building located to the north of the dwelling house within its residential curtilage has recently been granted permission to be used as a residential annex ancillary to the dwelling house.
- 2.3 Outside the residential curtilage and located north of the existing residential annex is a detached one and half storey building that has been unlawfully developed and is subject to this planning application. The building is shaped like an 'L' and is externally finished from horizontal timber weatherboarding sitting on a brick plinth.
- 2.4 Access to the site is via the existing crossover of Cuckoo Lane with the driveway leading up to the dwelling house and the detached building subject to this application. Off Street parking is located on the hardstanding area of the driveway. A modest private amenity area surrounds the existing dwelling house and residential annex.

3. PROPOSAL

- 3.1 It should firstly be noted that planning permission was granted under application UTT/14/0141/FUL that amongst other things allowed for two detached buildings. One of which was to be used as stables and the other for a machinery store with a wash down area and feed room.
- 3.2 During the construction of these buildings, the applicant unlawfully linked the two buildings together that effectively turned the two buildings into one large building which is now subject to this retrospective proposal. Furthermore the so called two buildings were not constructed in accordance with the approved plans. Although the building footprint and siting of the buildings were built in accordance of the approved plans, the height of them were not. The height of the stable building to its ridge has been constructed 500mm lower than that approved whilst the storage building has been constructed on average 100mm higher. In addition, further window and door opening have been inserted and the use of different external finishing materials was used.
- 3.3 Retrospective planning permission is thereby sought by the applicant to regularise the unlawful works as explained above. It should be noted that the residential curtilage is not proposed to be extended as part of this planning application.

4. APPLICANT'S CASE

- 4.1 Apart from the submitted application form and plans, no other documentation was submitted by the applicant in support of the proposal.

5. RELEVANT SITE HISTORY

- 5.1 The most relevant recorded planning history in relation to this application is as follows:

UTT/14/0141/FUL - Proposed change of use of land from agricultural to paddock/grazing equestrian land. Erection of stable block and stables, feed, tack, store and vehicle storage building. Approved with conditions dated 14 March 2014

UTT/16/1189/HHF - Retrospective application for the erection of an ancillary workshop and store Refused 21 June 2016

- 5.2 The latest planning application was refused as it was considered that the increase in the size of the residential curtilage of the property would harm the character and appearance of the location and fails to accord with Policy S7. Furthermore the visual appearance of the building was considered to appear domestic and the scale and height of the building would have resulted in a building that would not be subservient to the main dwelling and impact upon its historical setting contrary to GEN2 and ENV2.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford Local Plan (2005)

- Policy S7 – The Countryside
- Policy GEN1 – Access
- Policy GEN2 – Design
- Policy ENV2 – Development effecting listed buildings
- Policy ENV9 – Historical Landscapes

7. PARISH COUNCIL COMMENTS

7.1 Objects for the following reasons:

- The parish council is concerned that the building has been constructed in view to domestic use and not for the proposed intended purposes.
- There is no design and access statement submitted with the application to confirm the materials of the building.
- The proposals domestic appearance, size and scale are inappropriate contrary to local policy GEN2.
- The proposed development would result in detrimental harm to the existing listed building contrary to local policy ENV2

8. CONSULTATIONS

8.1 There was no statutory requirement to consult either internal or external consultees.

9. REPRESENTATIONS

9.1 The application was publicised by sending 1 letter to adjoining occupiers, the displaying of site notices and notification within the local paper. No representations received at the time of writing this appraisal.

10. APPRAISAL

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

- A Whether the layout, design and appearance of the proposal is acceptable (NPPF, Local Policies S7 & GEN2)
- B Residential Amenity (ULP Policies GEN2 & GEN4 and NPPF)

A Whether the layout, design and appearance of the proposal is acceptable (NPPF, Local Policies S, ENV2 & GEN2)

10.1 Unlawful works were carried out as part of the construction of the two buildings that were granted planning permission under UTT/14/0141/FUL and as such planning permission is sought to regularise these works as described within section three of this appraisal.

- 10.2 Therefore one of the main issues is whether these works are appropriate in terms of their design and appearance. The guidance set out in Paragraph 58 of 'The Framework' stipulates that the proposed development should respond to the local character, reflect the identity of its surroundings, optimise the potential of the site to accommodate development and is visually attractive as a result of good architecture.
- 10.3 Local Plan Policy GEN2 seeks to promote good design requiring that development should meet with the criteria set out in that policy. Regard should be had to the scale form, layout and appearance of the development and to safeguard important environmental features in its setting to reduce the visual impact of the new buildings where appropriate.
- 10.4 The main issue that needs to be given considerable weight is whether the additional link element between the two buildings thereby creating one larger single building is appropriate or not in terms of the additional bulk and massing it creates and how it appears in relation to the street scene and the surrounding area.
- 10.5 The application needs to be carefully considered in the context of the history of the development. Planning permission was granted in March 2014 (UTT/14/0141/FUL) for two buildings for equine use in this location. The development that has been completed differs significantly from the approved planning permission. It should also be noted that this historical permission has lapsed and there is currently no extant planning permission for any building in this location.
- 10.6 The intentions of an applicant are always a very difficult matter to establish and often a matter of debate as to whether they are a determining matter regarding planning applications. However, reference should be made to the recently refused application UTT/16/1189/HHF. This application submitted in April 2016 was to retain this building in its current form (save for some differences in the fenestration) for an ancillary workshop and store. Within the supporting Design and Access Statement for this application, the applicant's agent stated;

"The owners of Haydens End originally applied for stables and barn for equestrian use, and a vehicle storage barn, however the family situation drastically changed and we were then asked to apply for conversion of the existing garage to an annexe for Mrs Earthy's recently widowed mother. The conversion was approved and currently works are finalising in order for her to move in.

In the interim the stables and barn were being constructed and it was apparent the family could not accommodate additional horses and it was not practical for the family, therefore it was naively assumed they could use the building as a home workshop (originally meant for the garage).

The link between the two buildings, came about as a result of the client installing a spiral staircase and wanting to enclose it for comfort. As the link is not obvious from the street and the staircase was originally to be in a more prominent location our clients assumed this would not create an issue".

- 10.7 The application for the retention of the building under reference UTT/16/1189/HHF was subsequently refused under delegated powers for the following reason:

The use of the building for a domestic activity will inevitably increase the residential curtilage of the property which will harm the character and appearance of the location and fails to accord with Policy S7. The visual appearance of the building is considered to be domestic and the scale and height of the building has resulted in a building that is not subservient to the main dwelling which is considered harmful to the character and appearance of the site and would harm the setting of the adjoining listed building and therefore fails to accord with Policies S7, ENV2 and GEN2 of the Uttlesford Local Plan (adopted 2005).

- 10.8 The applicant's agent has provided no further clarification of any change in circumstances to reverse the lack of need of stabling in this location. Even if provided now, the justification for any building in this location is at best spurious. The situation is compounded by the lack of obvious suitability of the building to be used for equine use and whether the building is required to be of its current scale and design including spiral staircase access to a created first floor.
- 10.9 Notwithstanding the intentions of the applicant or the suitability of the building for equine use, it is considered that building does have a detrimental impact upon the character and appearance of the surrounding countryside, the existing street scene and the existing dwelling house. Aside from its design there is considered no justification for this development outside of the residential curtilage of the dwelling and is therefore not exceptional development that is required to take place in the countryside. The proposal is therefore not in accordance with the National Planning Policy Framework and Policies S7 and GEN2 of the Uttlesford District Local Plan.
- 10.10 It should not be lost that Haydens End is a Grade II Listed Building. Although the development the subject of this application falls outside of the residential curtilage of the property, by its scale and nature it does have an impact upon the setting of the listed building. Whilst not consulted on this application the Council's Conservation Officer did consider the previously refused application UTT/16/1189/HHF where she considered that the impact had less than substantial harm upon the setting of the listed building. In such situations where less than substantial harm is established, there must be established public benefit for such harm to be outweighed by approving the development. Even if the Local Planning Authority indulged the applicant's claim that this building would be for stabling, it is not considered that this would be a public benefit to outweigh the less than substantial harm. As such it is considered that the proposal would also fail to accord with Policy ENV2 of the Uttlesford District Local Plan 2005.

B. Residential Amenity (ULP Policies GEN2 & GEN4 and NPPF)

- 10.11 Due consideration has been given in relation to the potential harm cause to the amenities enjoyed by adjoining residential property occupiers.
- 10.12 The relative separation distance between adjoining dwellings and the existing residential annex as illustrated on the location plan and the orientation are such that it is considered that no significant adverse harm would be cause to the amenities of adjoining property occupier's particular in relation to loss of light, privacy and visual blight.

10.13 It is considered therefore that the development could be accommodated without significant adverse impact upon the amenity of existing and future residents in accordance with relevant elements of Policy GEN2 and the policies of the NPPF.

C. Other Issues:

10.14 It is considered that the proposed application would not give rise to increase flood risk on the site or elsewhere or result in detrimental harm upon biodiversity or ecology. It would also not result upon existing mature vegetation along Cuckoos Lane.

11. CONCLUSION

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

A The proposal would be unjustified development in the open countryside and due to its scale, design and bulk would have a detrimental impact upon the open countryside and the street scene contrary to the NPPF and Policies S7 & GEN2 of the Uttlesford District Local Plan 2005.

B. The proposed development due to its design and bulk would cause less than substantial harm to the setting of the Grade II Listed Haydens End, the harm is not outweighed by public benefit and therefore the proposal is contrary to the NPPF and Policy ENV2 of Uttlesford District Local Plan 2005.

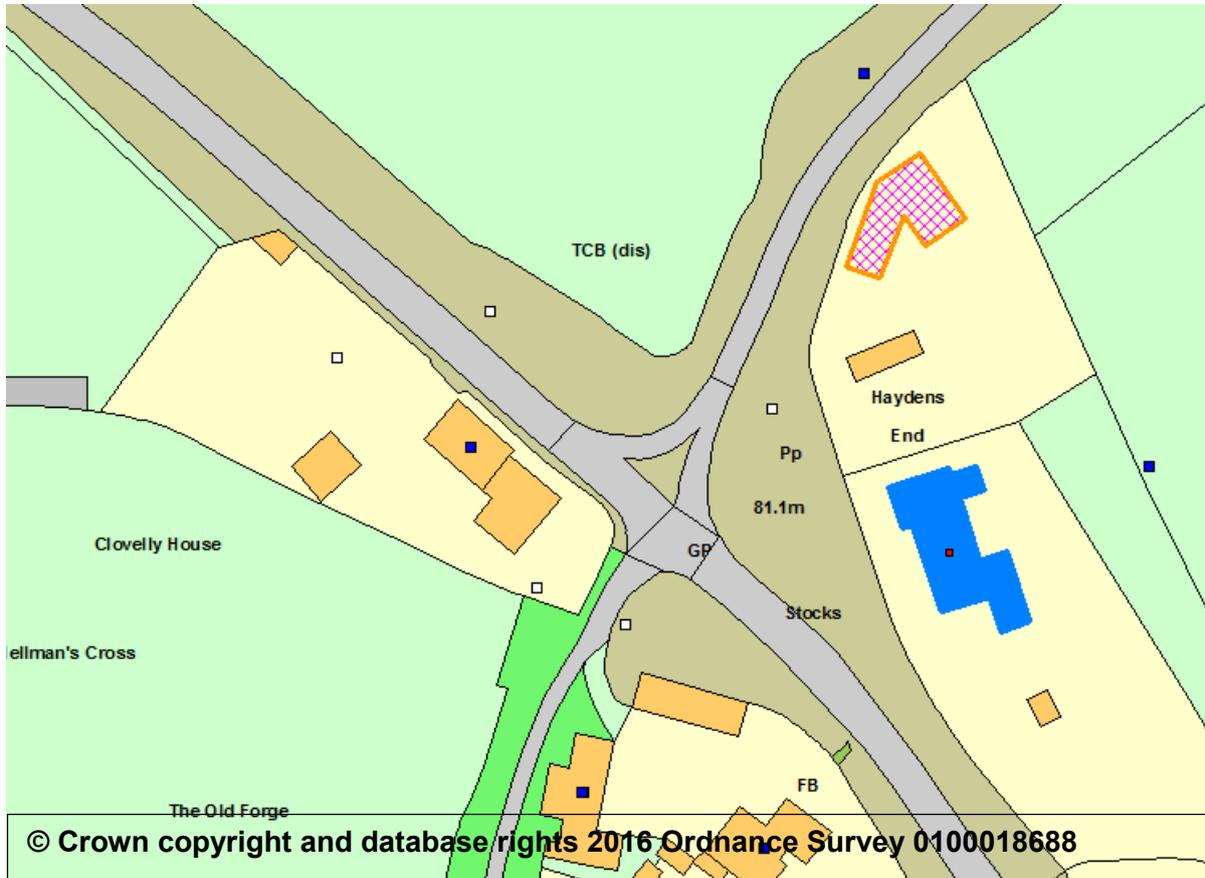
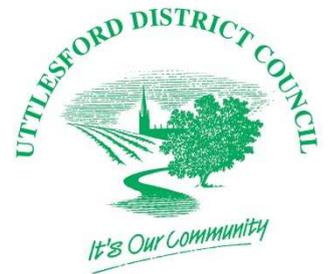
C There are no other technical issues related to impact on residential amenity, highways or flood risk related to this development

RECOMMENDATION – REFUSAL

For the following Reason:

1. The proposal development constitutes non-exceptional development in the open countryside. The visual appearance of the building is considered to be domestic and the scale and height of the building has resulted in a building that is not subservient to the main dwelling which is considered harmful to the character and appearance of the site and would harm the setting of the adjoining listed building and therefore fails to accord with Policies S7, ENV2 and GEN2 of the Uttlesford Local Plan (adopted 2005)

Application: UTT/17/1124/FUL
Address: Haydens End Green Street Great Canfield



Organisation: Uttlesford District Council
Department: Planning
Date: 21 August 2017