

UTT/20/3473/FUL (Wimbish)

(Referred to Planning Committee as applicant works for Uttlesford District Council.)

PROPOSAL: Proposed change of use from garden to paddock, fencing and erection of stable block.

LOCATION: East Cottage, Thaxted Road, Wimbish, Saffron Walden, Essex, CB10 2UT

APPLICANT: Mrs M Challinor

AGENT: N/A

EXPIRY DATE: 25th February 2021 (Extension of time until 25th March 2021)

CASE OFFICER: Nathan Makwana

1. NOTATION

1.1 Outside Development Limits, Grade II Listed Building

2. DESCRIPTION OF SITE

2.1 East Cottage is situated on the west side of the B184 Thaxted Road, and is a Grade II listed semi-detached property, set in a predominantly rural area with open aspects to three sides. The property has a large garden extending to approximately 0.7285 hectare, which is surrounded by mature trees and hedges.

3. PROPOSAL

3.1 It is proposed to use land outside the curtilage of the house to build a small wooden, permanent stable block on hardstanding, comprising of two proprietary type looseboxes. This will be located in the space between the car port and dilapidated piggery. The footprint of the stable block is 28.08 square meters, with a height to the ridge of 3.108m. This application also asks for consent for the change of use from garden to paddock grazing land across an area of approximately 6600 square metres, which leaves the moat areas and garden directly adjacent to the house untouched.

4. ENVIRONMENTAL IMPACT ASSESSMENT

4.1 Town and Country Planning (Environmental Assessment): The proposal is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

4.2 Human Rights Act considerations: There may be implications under Article 1 and Article 8 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application.

5. APPLICANT'S CASE

- 5.1 The applicant has provided a planning statement in support of the planning application to illustrate the process that has led to the development proposal, and to explain and justify the proposal in a structured way.
- 5.2 Detailed plans and elevations to reflect the above changes are also submitted with this planning application

6. RELEVANT SITE HISTORY

- 6.1 No recent relevant site history.

7. POLICIES

National Policies

National Planning Policy Framework (NPPF) (June 2019)

National Planning Policy Guidance (NPPG)

Uttlesford Local Plan (2005)

S7 – The Countryside

GEN2 – Design

GEN4 – Good Neighbourliness

GEN7 – Nature Conservation

ENV2 – Development affecting Listed Buildings

LC4 – Provision of Outdoor Sport and Recreational Facilities Beyond

Supplementary Planning Documents/Guidance

SPD – Accessible Homes and Playspace (2005)

Other Material Considerations

Essex Design Guide

ECC Parking Standards (2009)

UDC Parking Standards (2013)

8. PARISH COUNCIL COMMENTS

8.1 Wimbish Parish Council

- 8.2 No comment received.

9. CONSULTATIONS

ECC Highways

- 9.1 From a highway and transportation perspective the Highway Authority has no objections to make on this proposal 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.

- 9.2 **Informative:**
i. It is understood that the paddock and stable use will be ancillary to the dwelling, and no commercial/business equestrian use is proposed.
- 9.3 ii. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, CM2 5PU.

UDC Environmental Health

- 9.4 I have no in principle objections to the application and do not recommend any further environmental protection conditions.

ECC Ecology

- 9.5 No objection subject to securing biodiversity mitigation and enhancement measures.

Aerodrome Safeguarding Consultation Response

- 9.18 The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We have no aerodrome safeguarding objections to the proposal.

NATS Safeguarding

- 9.19 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

HSE

- 9.20 Thank you for your email and attached application. HSE's Explosives Inspectorate has no comment to make on this application as according to our records it does not appear to fall within the consultation zones of an HSE licensed explosives site.

MOD Defence Infrastructure Safeguarding

- 9.21 Thank you for consulting the Ministry of Defence (MOD) on the above proposed development which was received by this office on 05/01/2021. I can confirm the MOD has no safeguarding objections to this proposal.

ECC Place Services Historic Environment Team

I have reviewed the plans and have no objections to the proposals; the change of use and proposed stable block will have a neutral impact upon the setting of the listed building East Cottage/Abbots Manor.

10. REPRESENTATIONS

10.1 No neighbour representations have been received.

A site notice was displayed at the application site on the 14th January 2021 and expired on the 04th February 2021. An advertisement was placed in the local press on the 14th January 2021 and expired on the 04th February 2021.

The neighbour notification period commenced on the 05 January 2021 and expired on the 26th January 2020.

11. APPRAISAL

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

A The Principle of development (NPPF, ULP Policies S7, LC4, GEN2, NPPF);
B Character, Appearance, Amenity and Heritage (ULP Policies GEN2, GEN4, ENV2, ENV3, ENV6, NPPF);
C Biodiversity (GEN7, NPPF)

A The Principle of development (NPPF, ULP Policies S7, LC4, GEN2, NPPF);

11.1 Policy S7 of the adopted Uttlesford Local Plan 2005 outlines that the countryside will be protected for its own sake and that development that is suitable for a rural use will be permitted. Expanding on this, Policy LC4 states that outdoor sports and recreational facilities beyond development limits will be permitted.

11.2 The principle of development is established by virtue of the above quoted policies allowing for the provision of outdoor sports in the countryside. The proposed use of equestrian facilities is considered an appropriate rural use and is therefore considered to accord with the above policy criteria.

11.3 The principle of development is therefore established, and the proposal therefore accords with ULP Policies S7, LC4 and GEN2 of the adopted Uttlesford Local Plan 2005 and the National Planning Policy Framework 2019. (NPPF)

B Character, Appearance, Amenity and Heritage (ULP Policies GEN2, GEN4, ENV2, ENV3, ENV6, NPPF);

11.4 It is proposed to use land outside the curtilage of the house to build a small wooden, permanent stable block on hardstanding comprising of two looseboxes. This will be located in the space between the car port and dilapidated piggery. The footprint of the stable block is 28.08 square meters with a height to the ridge of 3.108m. This application also asks for consent for the change of use from garden to paddock grazing land across an area of approximately 6600 square metres, this leaves the moat areas and garden directly adjacent to the house untouched, document 4.

11.5 The proposed building cannot be seen from any part of the house due to screening from trees and hedges around the moat and the existing shed. The

view from the house to the east will be across the garden and moat area, further garden and on to the paddocks.

- 11.6 The wooden stable block will be of a traditional appearance in the style of Chart Stables or similar, will be externally clad with shiplap boarding and a black Onduline roof. The hardstanding yard area will be fenced with post and rail. It is planned to use a water butt to recycle rainwater from the roof.
- 11.7 The proposed paddock area is flat with mature trees across the area and a tree belt/ hedges on three sides. The area will be fenced with post and rail along both sides of the driveway, from where it opens out and all areas visible from the house; the remainder will be post and wire. An additional new five bar gate will prevent horses escaping up the driveway and to keep them safe from the road.
- 11.8 The stables will be for private use only, to house the owner's elderly horse and companion pony, currently stabled 13 miles away. Having the horses at home will save driving two 26-mile round trips every day. Any increased manure will be stored more than 15m from the neighbouring property boundary and more than 10m from any ditches or water courses. No muck will be burned on site; the muck heap will be collected regularly by a local farmer. Horse feed and bedding is currently delivered to the house and then driven to the stables 13 miles away, so there will a decrease in vehicular movements as a result of the proposal.
- 11.9 No objections are raised from the UDC Landscape Officer, nor is any Heritage impact found from the application proposal. It is therefore considered to accord with ULP policies GEN2, GEN4, ENV2, ENV3, ENV6 of the Uttlesford Local Plan 2005 and the NPPF.

C Ecology (GEN7, NPPF)

- 11.10 The Essex County Council Ecology Officer has reviewed the documents provided with this application including the Preliminary Ecological Appraisal Report (Practical Ecology, September 2020), Magic Maps <https://magic.defra.gov.uk> and aerial photographs, relating to the likely impacts of the development on designated sites, protected & Priority species and habitats, and identification of proportionate mitigation and enhancement.
- 11.11 They support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the NPPF. This includes improving the condition of the hedgerow through additional planting and management, installation of three bat boxes, installation of a hedgehog house in a quiet area of the site, and installation of a variety of bird boxes. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Layout and should be secured via a planning condition.
- 11.12 Within their consultation response, the Essex County Council Ecology Officer have outlined a number of other conditions to ensure the development is acceptable and does harm local ecology. The application proposal is therefore considered to accord with ULP Policy GEN7 of the Uttlesford Local Plan 2005 and the NPPF.

12. CONCLUSION

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

- A** The principle of development is therefore established, and the proposal therefore accords with ULP Policies S7, LC4 and GEN2 of the adopted Uttlesford Local Plan 2005 and the National Planning Policy Framework 2019. (NPPF)
- B** No objections are raised from the UDC Landscape Officer, nor is any heritage impact found from the application proposal. It is therefore considered to accord with ULP policies GEN2, GEN4, ENV2, ENV3, ENV6 of the Uttlesford Local Plan 2005 and the NPPF.
- C** Within their consultation response, the Ecology Officer has outlined a number of other conditions to ensure the development is acceptable and does harm local Ecology. The application proposal is therefore considered to accord with ULP Policy GEN7 of the Uttlesford Local Plan 2005 and the NPPF.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

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 development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies

- 3 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report (Practical Ecology, September 2020), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with ULP Policy GEN7 of the Uttlesford Local Plan 2005 and the NPPF 2019.

- 4 Prior to commencement, a Precautionary Working Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Great Crested Newts, hedgehogs and other small animals during the construction phase. The measures and/works shall be carried out strictly in

accordance with the approved details and shall be retained in that manner thereafter.”

Reason: To conserve Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with ULP Policy GEN7 of the Uttlesford Local Plan 2005 and the NPPF 2019.

- 5 Prior to works commencing above slab level, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Preliminary Ecological Appraisal Report (Practical Ecology, September 2020) shall be submitted to, and approved in writing by, the local planning authority. The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

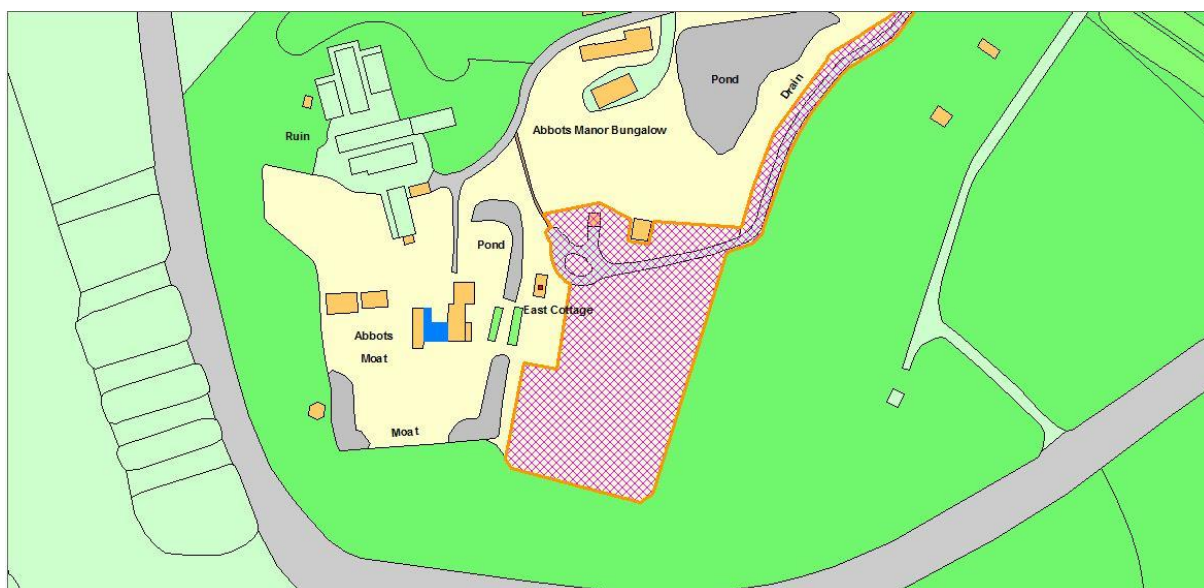
Reason: To enhance protected and Priority species and habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with ULP Policy GEN7 of the Uttlesford Local Plan 2005 and the NPPF 2019.

- 6 Prior to works commencing above slab level, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.”

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with ULP Policy GEN7 of the Uttlesford Local Plan 2005 and the NPPF 2019.

Site Map



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Organisation: Uttlesford District Council

Department: Planning

Date: 25 February 2020