

**Report to the District Development  
Control Committee**

**Report Reference: DEV-006-2014/15.  
Date of meeting: 13 August 2014**



**Epping Forest  
District Council**

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**Subject: EPF/0670/14 - Oak Hill Farm, Coppice Row, Theydon Bois -  
Proposed replacement perimeter fence with a 1.8m high chain-  
link fence (Revised application).**

**Responsible Officer: Stephan Solon (01992 564018)**

**Democratic Services: Gary Woodhall (01992 564470)**

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**Recommendation:**

- (1) That planning permission be refused for the following reason:**
- (a) by reason of its height and inappropriate associated landscaping the proposed fence would fail to respect the character of the landscape and consequently be harmful to the visual amenities of the locality. The proposal is therefore contrary to Local Plan and Alterations policies CP2(i), DBE4(i) and LL2(i), which are consistent with the policies of the National Planning Policy Framework.**

**Report:**

1. This application was reported to the meeting of the Area Plans East Sub-Committee held on 23 July with an Officer recommendation that planning permission be granted. The Officers report is set out below.
2. The Officers recommendation was not agreed by the Sub-Committee and Members voted to refuse the application due to adverse impact on the character and amenity of the area from the height of the proposed fencing and the introduction of non native planting in connection with the development.
3. However subsequent to that decision, 4 members of the Sub-Committee stood to exercise their right to refer the matter up to the District Development Control Committee for final decision.
4. The application is therefore reported with the recommendation of the Sub-Committee that planning permission be refused.
5. Officers assessment of the proposal remains unchanged and is set out below in the original report on the application which recommends planning permission be granted.

## **ORIGINAL OFFICERS REPORT**

*This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(f)). It is also before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))*

### **Description of Site:**

The application site comprises two distinct areas. The first is the site of former farmhouse with considerable adjacent farm buildings that is in the very advanced stage of being redeveloped to provide a large detached house. The second is an agricultural field to the east that is on lower lying ground. The entire site is enclosed by a variety of fence types of varying height up to approximately 1.8m. It is in poor condition, particularly on the site boundary with Coppice Row.

The site is in the Green Belt with Epping Forest Land to the north on the opposite side of Coppice Row and to the west and south. Epping Forest Land to the south is "buffer land" owned by the Conservators. The land to the north and west is within the Epping Forest SSSI and SAC. The north, east and southern boundaries of the agricultural field are enclosed by woodland that is the subject of a woodland tree preservation order, ref EPF/03/89/W1. Immediately beyond the southern field boundary is a public footpath that starts at Coppice Row and follows the route of a private drive serving dwellinghouses known as West Lodge, at its junction with Coppice Row, together with Birch Hall and Birch Hall Farm further to the south. Fields immediately south of Birch Hall and Birch Hall Farm are a deer sanctuary.

The dwellinghouse under construction at the application site is accessed off the south side of Coppice Row, a short distance west of the 30mph speed limit area within Theydon Bois. The field within the application site is accessed via a field access off the drive opposite Birch Hall Farm.

### **Description of Proposal:**

It is proposed to erect 1.8m high chain link fencing around the entire site and an electricity substation adjacent to the entrance to the site off Coppice Row. The fence would be set between 7m and 15m from the carriageway of Coppice Row. East of the site entrance the fence would be set on land significantly lower than the carriageway. The fence would be under the canopies of trees between it and Coppice Row. The fence would be set 5m from the eastern site boundary for its first 45m south of Coppice Row. Elsewhere the fence would be on the site boundary. The proposal includes the removal of all chain-link fencing around the site.

All the fencing, including that which is not adjacent to the highway requires planning permission as a consequence of the removal of permitted development rights for the entire site when planning permission was given for the house. The proposal does not supersede previously approved proposals for entrance gates and adjacent walls. It is designed to incorporate the previously approved development which is confined to the vehicular access to the site.

The application is accompanied by an Arboricultural Method Statement and Habitat

Survey Report. The stated purpose of the fence is to provide security for the dwellinghouse and the application is accompanied by a statement from the Senior Architectural Liaison Officer of Essex Police in connection with a Secured by Design Application

**Relevant History:**

Consent was given for a new dwelling house at the western part of the site, initially under planning permission EPF/1345/10 and finally under planning permission EPF/1352/12. The latter planning permission is presently being implemented and consequently the earlier consent is not relevant.

Consent has also been given for the formation of a pond in the field that comprises the eastern part of the site under planning permissions EPF/1841/11 and EPF/1420/13.

Details pursuant to conditions on the dwellinghouse consent have been approved and works are at a very advanced stage. Condition no 17 of planning permission EPF/1352/12 removed permitted development rights for the erection of boundary fences enclosing the north, east and south field boundaries. The condition states:

*“Notwithstanding the details shown on drawing number OHF003 Rev 11b and the provisions of Class A of Part 2 to Schedule 2 of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other Order revoking, further amending or re-enacting that Order) no gates, fences, walls or other means of enclosure that at any point exceed a height of 1 metre above ground level shall be erected on the land outlined in blue on drawing numbers ESB GE 01 and ESB GE 003 without the prior written permission of the Local Planning Authority.”*

The stated reason for the condition is: *“In the interests of maintaining the openness of the Green Belt and the visual amenities of the locality and since the circumstances of the application site and adjoining land in the ownership of the applicant warrant the control of the Local Planning Authority over this form of development.”*

Planning permission reference EPF/0850/12 was given for the erection of new entrance gates and associated walls and fence at the entrance to the site of the dwellinghouse.

A proposed 1.8m high fence around the largely residential western part of the site has been approved as part of a landscaping scheme for the approved dwellinghouse under decision references EPF/0151/11 and EPF/0091/12, both of which are incorporated into the decision on planning permission EPF/1352/12.

Application EPF/1626/12 proposed a 1.8m high fence around the entire site to be sited on the site boundary. That application was withdrawn following discussion with Officers over a considerable period of time regarding how a revised proposal could overcome objections to that proposal.

Application EPF/2659/13 proposed 2m high 6mm gauge steel fencing around the entire site. It was refused by this Sub-Committee for the following reason:

*“The proposed fence due to its height, industrial design and positioning, including adjacent to a public footpath, fails to respect or enhance the character and appearance of the landscape and would have an excessive adverse impact upon the openness, rural character and visual amenities of the Green Belt contrary to policies*

*LL2 and GB7A of the Adopted Local Plan and Alterations.”*

The minutes of that meeting state: *“Members considered whether there was a way forward and suggested that a lower fence of a less industrial design (perhaps a narrower gauge chain link style fencing) would be more appropriate, but that such fencing should be restricted to the boundary of the approved residential curtilage of the site, which would be sufficient to ensure security of the house and garden and would not introduce an inappropriate feature into the agricultural land.*

**Policies Applied:**

GB2A	Development in the Green Belt
GB7A	Conspicuous Development in the Green Belt
HC5	Epping Forest
NC1	SPAs, SACs and SSSIs
NC4	Protection of Established Habitat
DBE1	Design and Appearance of New Buildings
DBE 4	Design in the Green Belt
LL1	Rural Landscape
LL8	Works to Preserved Trees
LL10	Adequacy of Provision for landscape Retention

NPPF

**Consultation Carried Out and Summary of Representations Received**

Number of neighbours consulted. 3

Site notice posted. Yes, at the access to the site

Responses received: None from immediate neighbours but one letter of objection was received from a resident of Theydon Bois as follows:

23 DUKES AVENUE, THEYDON BOIS: Objection

I would like to register my objection to this revised application for a perimeter fence around the ENTIRE Oak Hill Farm site. This is important Green Belt land and to fence off the entire site will affect the openness of the Green Belt, enclosing a large area of forest and farmland.

I also object to the height of the fence which will look very obvious - it will take a long time for shrubs to grow that high!

THEYDON BOIS ACTION GROUP: Objection.

The proposal would effectively bring about enclosure of a large area of Green Belt land adjacent to Epping Forest, would be harmful to the openness of the Green Belt and out of keeping with its surroundings. The need for security could be addressed by erecting a fence around the residential curtilage of the new house rather than erecting a fence around the entire site. A hedgerow around the agricultural field would be more appropriate and provide adequate security.

Concern is expressed about the impact of the fence on wildlife since it would prevent them from crossing the field. Concern is also expressed that the application site layout plan does not distinguish between the residential curtilage of the house and land outside of the curtilage.

The Action Group expresses disappointment that the fence is not proposed around the residential curtilage of the new house presently under construction and maintains this Sub-Committee found that would be a way forward.

THEYDON BOIS & DISTRICT RURAL PRESERVATION SOCIETY: Objection.

The proposed fencing will be detrimental to the openness of the Green Belt and visually intrusive when viewed from the public right of way. The fence will also restrict access by animals to the field which can be used as a food source. It may also disturb badgers. Once the house is occupied security will not be a material consideration as a previous consent provides for permanent resident security personnel. It should be demonstrated that the Conservators of Epping Forest have been consulted and do not object before any decision is made on the application.

CONSERVATORS OF EPPING FOREST: "on this occasion the Conservators would have no observations to make."

NATURAL ENGLAND: No objection

THEYDON BOIS PARISH COUNCIL: Objection.

We note the change of height and materials of the proposed fence. However we are disappointed that the way forward as suggested by the Plans East Committee, when this application was last refused, has been ignored. We are in strong agreement with the views of the Plans East Committee which suggested such fencing should be restricted to the boundary of the approved residential curtilage of the site, which would be sufficient to ensure security of the house and garden and would not introduce an inappropriate feature into the agricultural land.

### **Main Issues and Considerations:**

Natural England makes clear there is no need for the Council to undertake an assessment of the proposal on the site's nature conservation objectives and that the proposal is not likely to have an adverse effect on the adjacent Epping Forest SSSI. Furthermore, the proposal would not prejudice the value of Epping Forest for providing open space for the purposes of recreation since it is not part of the Forest. It is therefore found that the main issues raised by the proposal are its consequences for preserved trees, the rural landscape and the Green Belt. The consequence for the landscape includes the setting historic nature of Epping Forest. All these matters will be considered with reference to the interests of achieving reasonable security for the dwelling house under construction at the site.

### **Impact on Preserved Trees, Landscape and Epping Forest:**

The preserved trees on the site boundary with Coppice Row make a very important contribution to the visual amenities of the locality and, although not part of Epping Forest, visually they appear as part of it. Together with trees on Forest Land on the north side of Coppice Row, the preserved trees provide a unified form of enclosure of this part of Coppice Row, whose character adjacent to the site is of a road passing through the forest. Consequently a key planning objective for any development at the site is to safeguard the preserved trees in the interests of the landscape character of the locality and the visual context of Epping Forest as well as the amenity value of the trees themselves. Local Plan and Alterations policies HC5, LL1, LL2, LL8 and LL10 provide policy support for that position.

The Council's Tree and Landscape Team were consulted on this application and advise it has no objection to the proposals provided appropriate conditions are imposed on any consent given in order to ensure the development is implemented satisfactorily. On the basis of that advice, and having regard to the advice of the Conservators of Epping Forest, it is concluded that the proposal is acceptable in terms of its consequence for adjacent preserved trees, the landscape and Epping Forest.

#### Green Belt:

The development is not inappropriate in the Green Belt therefore the main matter to consider under this heading is impact on openness. The proposed development would serve to physically contain the residential and agricultural part of the site as a single entity. Since the site is already enclosed as a whole with a variety of means of enclosure that aspect of the proposal does not amount to a material change. The greater part of the fence would not normally require planning permission and the applicant has recognised the Council's concerns in both the design of the proposal and the discussion his agent had with Officers over a long period of time. Most importantly, the applicant has responded to the Sub-Committee's decision to refuse application EPF/2659/13 by reducing the height of the proposal from 2m to 1.8m and changing its design to chain-link to match previously approved fencing around the western site boundary in planning permission EPF/1352/12.

The sensitive design of the proposal which includes the careful siting of the fence together with its incorporation within existing and new landscaping will ensure its visual impact is negligible. For that reason it is concluded the proposal would not be harmful to the openness of the Green Belt and would not undermine the purposes of including the land in the Green Belt.

#### Parish Council Comments:

The comments of Theydon Bois Parish Council are particularly pertinent to the matters of landscape and openness of the Green Belt. Rather than have an open boundary between the residential curtilage of the dwellinghouse and the field the Parish seems to prefer the erection of a fence on that boundary instead of the current proposal. The desirability of ensuring the field retains the character and appearance of an agricultural field is understood and the applicant states his intention is to use the field for grazing animals, an agricultural use which does not require planning permission. Regardless of the applicants' intentions, it is a matter of law that any material change in the use of the field from agriculture would be development requiring planning permission. Consequently the District Council has control over any such proposal. Whether there is a need to erect a fence on the boundary between the house and the field to ensure it retains the character and appearance of an agricultural field is a matter that merits consideration.

The appearance of the field is primarily a consequence of its use. Its means of enclosure also has an impact. The current proposal for fencing around the site as a whole is found to be acceptable in terms of the appearance of the field, as detailed above. There is no enforceable planning condition on the permission for the house that requires the erection of a fence on the boundary of its curtilage with the field so there is no mechanism that can be used to secure that. More importantly, however, the erection of a fence in that location would certainly be much more visible than the current proposal whatever its materials of construction and would consequently affect the landscape and openness of the Green Belt in a way that the current proposal would not. Although there is no proposal for such a means of enclosure, it is likely

that it would be harmful to those interests.

It is therefore concluded that there is no need for a fence on the boundary between the curtilage of the house and the field, that any such fence would have a much more significant impact on the landscape and openness of the Green Belt than the current proposals and in any event, no such fencing is proposed and there is no mechanism to secure such fencing even if it were found desirable.

**Conclusion:**

No objection is raised to the proposal by Natural England, the Conservators of Epping Forest or the Council's Tree and Landscape Team. The current proposal would safeguard preserved trees and be well integrated into the landscape. It would therefore safeguard the landscape character of the locality and setting of Epping Forest as well as the amenity value of preserved trees.

The proposal is not inappropriate development in the Green Belt and would not be harmful to the openness of the Green Belt or the purposes of including the land in the Green Belt.

There is no need to secure an alternative proposal enclosing the boundary of the house with the field in order to safeguard the appearance of the field as an agricultural field. Indeed, any such proposal is likely to be harmful to the landscape and openness of the Green Belt. Furthermore, no such proposal is before the Council and there is no mechanism for securing one even if it were found to be desirable.

Having regard to the above assessment, it is concluded the proposed fence which is less visually intrusive than the previously refused fence, is a sensitive and appropriate way to meet the reasonable security needs of the applicant since it would safeguard the character and appearance of the field as an agricultural field. Accordingly, it is recommended that conditional planning permission be granted.

***Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:***

***Planning Application Case Officer: Stephan Solon  
Direct Line Telephone Number: 01992 564018***

***or if no direct contact can be made please email:  
[contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***