

## AREA PLANS SUB-COMMITTEE 'WEST'

24 June 2015

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# Epping Forest District Council

## AGENDA ITEM NUMBER 1



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Application Number:	EPF/0505/15
Site Name:	Abbey Service Centre Sewardstone Road, Waltham Abbey EN9 1NA
Scale of Plot:	1/1250

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/0505/15
<b>SITE ADDRESS:</b>	Abbey Service Centre Sewardstone Road Waltham Abbey Essex EN9 1NA
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey South West
<b>APPLICANT:</b>	Mr M Ingrao
<b>DESCRIPTION OF PROPOSAL:</b>	Single storey rear extension and increase in height of existing rear projection.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=574175](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=574175)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 1095-009, 1095-010, 1095-011, 1095-012, 1095-013, 1095-014, 1095-015, 1095-016
- 3 Materials to be used for the external finishes of the proposed development shall match those specified within the submitted application, unless otherwise agreed in writing by the Local Planning Authority.
- 4 The extension hereby approved shall be used solely for ancillary storage purposes in connection with the existing Abbey Service Centre and shall not be used for any other purposes, including vehicle servicing or MOT's, unless otherwise agreed in writing by the Local Planning Authority.

*This application is before this Committee since it is an application where a Councillor is an objector in a purely personal capacity (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(j))*

**Description of Site:**

The application site is an existing car repairs and MOT service centre located on the eastern side of Sewardstone Road adjacent to the BP petrol filling station (which is also within the applicant's ownership and the submitted 'red line' application site). The site is located within the Waltham Abbey town centre boundary and a conservation area. To the south of the site is a Thrift Hall and

Thrift Cottage, the health centre and Tesco superstore. To the east and west of the site are residential properties.

### **Description of Proposal:**

Consent is being sought for a single storey rear extension to the existing service centre. This would enlarge the existing rear structure and would measure a total of 7.3m in depth and 16.5m in width with a mono-pitched roof reaching a maximum height of 3.9m and minimum height of 2.8m. The proposed addition would infill an area of rear open yard and would be utilised for storage purposes.

### **Relevant History:**

There are several previous planning applications with regards to the petrol filling station however the only application that appears to relate specifically to the service centre element of the site is the following:

EPF/0507/15 - Front single storey extension to service centre – approved/conditions 30/04/15

### **Policies Applied:**

CP2 – Protecting the rural and built environment  
CP7 – Urban form and quality  
DBE1 – Design of new development  
DBE2 – Effect on neighbouring properties  
DBE9 – Loss of Amenity  
RP5A – Adverse environmental impacts  
HC6 – Character, appearance and setting of conservation areas  
HC7 – Development within conservation areas

The above policies form part of the Council's 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

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

13 neighbouring properties were consulted and a Site Notice was displayed on 24/04/15.

TOWN COUNCIL – No objection.

4 FARM HILL ROAD – Object since the proposed would overshadow their garden, would detrimentally impact on their residential amenities, would further the existing creeping industrialisation of this part of Waltham Abbey and would be out of character with the area.

6 FARM HILL ROAD – Object due to the height of the proposed building that would be visually overbearing, the impact on the residential amenities of neighbours, the inappropriate design of the structure and since this would exacerbate the existing noise nuisance.

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

The main issues of consideration in this instance are the design and impact on neighbouring residents.

*Design:*

The site is located within a relatively prominent position however the proposed addition would be located to the rear of the site within an existing open yard area (which contains an existing, albeit significantly smaller, storage building). The proposed extension would significantly enlarge the existing rear projection almost filling the entire yard area, and would raise the height to a maximum of 3.9m.

Whilst the proposed extension is of no architectural merit it would retain the design characteristics of the existing storage building and would be viewed within the context of this existing commercial site. The extension would not be easily viewed from public viewpoint and therefore would not be detrimental to the overall appearance of the street scene.

Whilst the majority of the site is located within a conservation area the proposed extension would be located outside of this designated area. Nonetheless the site has no historic significance and does not serve to conserve or enhance this conservation area. Due to this the Council is considering removing the service centre and petrol filling station from the conservation area as part of the Local Plan review. Therefore the proposed extension is not considered to result in any further harm to the character or historic significance of the conservation area.

#### Residential amenity:

The proposed extension would be located to the rear and would adjoin the shared boundary with the residential dwellings to the east. This would be significantly larger and higher than the existing structure and therefore would be more visible to neighbouring residents than the existing situation. Nonetheless the neighbour's rear gardens do not appear to extend beyond the northern wall of the proposed structure and therefore the primary impact from the development would be to the parking area to the rear of No's. 4 and 6 Farm Hill Road.

Although there would be some visual impact as a result of the extension this would be viewed within the context of the existing site and would be located as such so that the impact would be minimal. The proposed extension would not sit immediately adjacent to the neighbour's garden and, at its closest point, would be to an acceptable height of 2.8m. Therefore this would not be unduly detrimental to the visual amenities of the surrounding residents.

Whilst the enlarged extension would have some impact on the levels of light reaching the garden area of No. 4 Farm Hill Road the impact would not be excessive and the affected area would purely be the south western corner of the garden.

Concern has been raised that the proposal would exacerbate the existing noise nuisance that results from this business, however the proposed building is only intended for use as a storage area and would effectively enclose the majority of the currently open rear yard. A condition could be imposed to ensure that this addition is only used for storage purposes, as opposed to servicing of vehicles, which would suitably control the use of this land and may result in less noise nuisance due to the removal of the open yard.

#### Conclusion:

The proposed extension is an acceptable addition that would not be detrimental to the appearance of the street scene or the historic significance and character of the conservation area. Whilst the enlarged extension would have some additional impact on the surrounding residents, given the location, design and context of the proposal this would not be excessive or unduly detrimental. As such the application complies with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies and is therefore recommended for approval.

***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: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

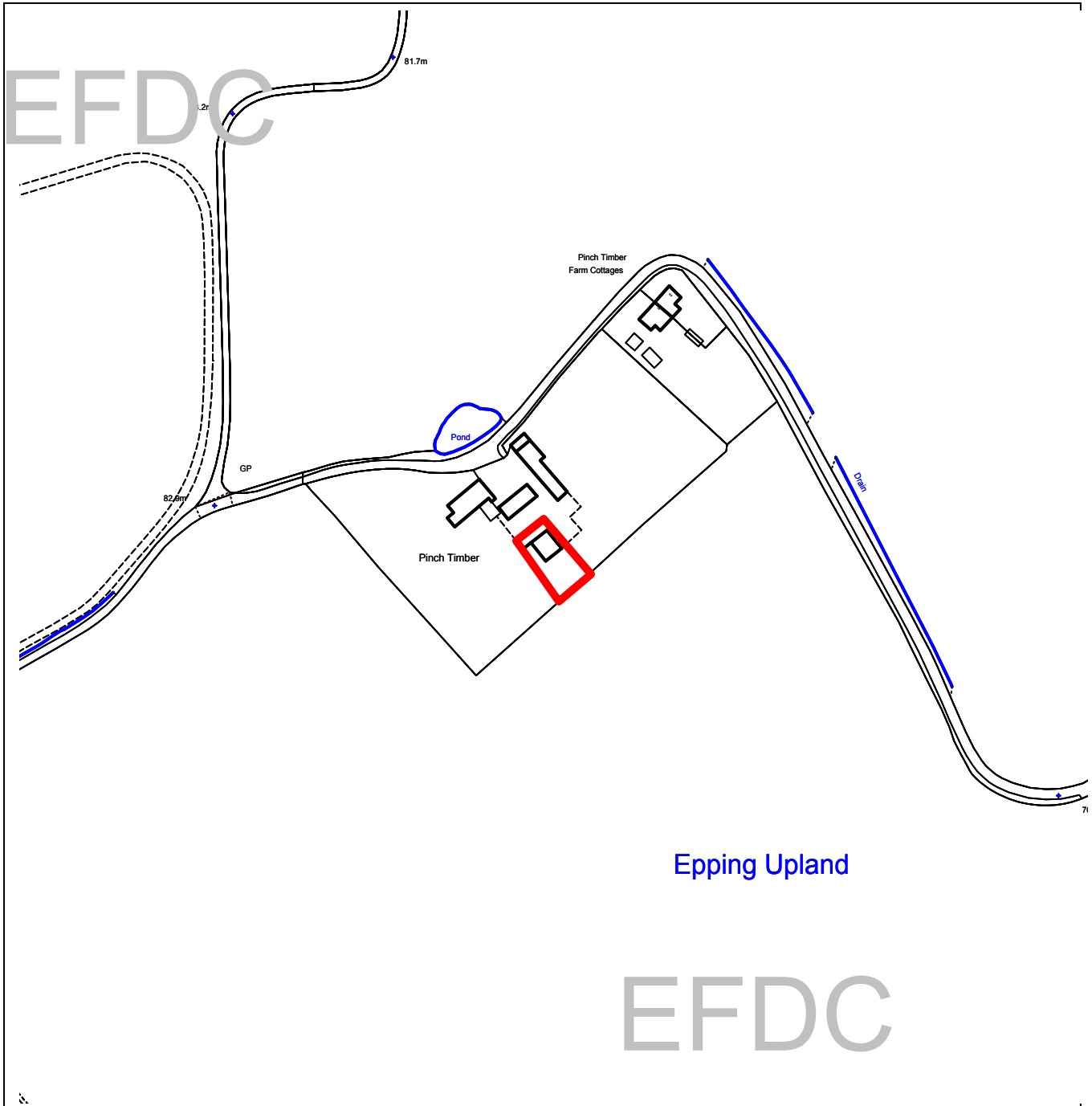
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# Epping Forest District Council

## AGENDA ITEM NUMBER 2



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Application Number:	EPF/0782/15
Site Name:	Pinchtimber Farm Epping Upland, Epping CM16 6PG
Scale of Plot:	1/2500



**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/0782/15
<b>SITE ADDRESS:</b>	Pinchtimber Farm Epping Upland Epping Essex CM16 6PG
<b>PARISH:</b>	Epping Upland
<b>WARD:</b>	Broadley Common, Epping Upland and Nazeing
<b>APPLICANT:</b>	Mrs Avril Gilbert
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use of existing brick barn to two bedroom residential dwelling.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=574861](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=574861)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: FP15584/100, FP15584/01, FP15584/02A
- 3 No development shall have taken place until samples of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
- 4 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.
- 5 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Planning Authority.
- 6 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of

any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]

- 7 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

- 8 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]

- 9 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

- 10 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 11 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

*This application is 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 Services – Delegation of Council functions, Schedule 1, Appendix A.(g))*

**Description of Site:**

The application site relates to a detached barn to the south of the main dwelling. The building is a red brick barn roofed with red plain clay tiles with no particular historic or architectural significance. The barn remains in a fair condition and sits within the curtilage of two Grade II Listed Buildings. Pinch Timber Farm, the main dwelling, is a 16<sup>th</sup> century or earlier timber framed and weatherboarded house roofed with red plain clay tiles. The second Listed Building is an 18<sup>th</sup> century separate barn, also timber framed and weatherboarded, which has an extant consent for residential conversion. The application site is located within the Metropolitan Green Belt.

**Description of Proposal:**

Consent is being sought for the conversion of a curtilage listed building into a (potential) two bed dwelling. The proposed conversion would primarily utilise the existing window and door openings, however would involve the provision of glazing within the current open bays in the north eastern elevation and the insertion of some glazed doors within the south eastern rear wall. It is also proposed to insert two rooflights within the rear roof slope. The development would involve the creation of an amenity space to the south of the building and access and parking would be shared with the donor property and existing (currently unimplemented) barn conversion.

**Relevant History:**

There is no planning history specifically relating to the application site, however the following history relates to the Grade II listed barn within the same farm complex:

EPF/1483/11 - Conversion of existing barn to residential dwelling and related works – refused  
01/11/11

EPF/1463/12 - Conversion of existing barn to residential dwelling and related works – refused  
26/09/12

EPF/2193/12 - Conversion of barn to residential dwelling and related works – approved/conditions  
07/02/13

### **Policies Applied:**

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
GB2A – Development in the Green Belt  
GB7A – Conspicuous development  
GB8A – Change of use or adaptation of buildings  
GB9A – Residential conversions  
HC1 – Scheduled Monuments and other archaeological sites  
HC10 – Works to listed building  
HC12 – Development affecting the setting of listed buildings  
HC13 – Change of use of listed buildings  
DBE8 – Private amenity space  
DBE9 – Loss of amenity  
ST6 – Vehicle parking

The above policies form part of the Council's 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

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

4 neighbouring residents were consulted and a Site Notice was displayed.

PARISH COUNCIL – Object:

- Overdevelopment of site
- Change of use of agricultural land
- Concerns regarding access and parking

### **Issues and Considerations:**

The key considerations are the appropriateness of the development in the Green Belt, the impact on the curtilage listed building and setting of the Listed Buildings, amenity considerations, and regarding highways and parking.

#### **Green Belt:**

The National Planning Policy Framework allows for the reuse of existing buildings provided "*they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt*". This is reflected within Local Plan policy GB8A, and residential conversions are also subject to policy GB9A, which states that "*conversion for residential use must not require such changes to buildings that their surroundings, external appearance, character and fabric could be unsympathetically or adversely affected. This includes features such as new curtilages, boundary treatment (including walls and fences), windows, door openings and chimneys*".

The existing building is brick built with a tile roof that is of substantial construction and, due to the existing level of openings, would be easily converted into a residence without significant external alterations. The principle of additional residential units within this former farm complex has been accepted with the extant conversion of the listed barn into a five bed dwelling.

Whilst the proposal would result in an intensification of use of the site and would attract additional residential paraphernalia it is not considered that the change of use would be harmful to the openness or character of the Green Belt.

Concern has been raised by the Parish Council that the proposal constitutes overdevelopment of the site and is a change of use of agricultural land. The conversion of this existing building into a (potentially) two bed property would be a relatively minor additional use of the Pinchtimber Farm site, particularly when compared to the significantly larger five bed conversion allowed within the Grade II listed barn in 2013.

The loss of an agricultural building can only be given limited weight since the guidance allows for such changes of use and, in many cases, planning permission is not required for the change of use of agricultural buildings into dwellinghouses (subject to prior determination). Furthermore the existing building no longer appears to be in agricultural use and is described within the submitted Design and Access Statement as being “*used in association with the main property*” for “*storage and ancillary uses*”. Therefore it does not appear that there is any current agricultural use to this building that would be lost as a result of the development. Whilst part of the existing field would be subdivided off for use as a separate residential garden this is only a very small section of the larger field and would not prejudice the retention of the rest of the area for agricultural purposes.

#### Design/Impact on listed building:

The proposed barn conversion would primarily utilise existing openings and would retain the character and appearance of the curtilage listed building and the setting of the Grade II listed farmhouse and barn. Furthermore, whilst the existing building is of no particular historic or architectural significance it nonetheless serves as part of the setting of the original farmhouse. The change of use of the building would allow for the long term retention of this building in a sensitive and appropriate manner that would not harm the setting of the Listed Buildings.

#### Amenity considerations:

Given the location of the barn and the proposed openings there would be no detrimental impact on any surrounding residents.

The proposal shows an area to the rear of the site for garden land, however it is stated that there is no intention of physically subdividing this area off. This is similar to the current situation whereby the garden of the Farmhouse is open to the surrounding agricultural field. Whilst this would not therefore constitute ‘private’ amenity space the only surrounding neighbours are within the applicant’s ownership and it is not unusual to have more open gardens in situations such as this.

#### Sustainability:

The site is in a very unsustainable location, as it is not well served by local facilities, however the addition of one two bed dwelling would not be considered unduly detrimental, particularly since a five bed dwelling was recently approved elsewhere on the former farm complex.

#### Highways/parking:

The proposed development would share the existing access to the farmhouse/former farmyard and there is adequate space to provide all required off-street parking, visitor parking space and manoeuvrability space for both the new and existing dwelling. Furthermore, it is not considered that the use of the building for one residential property would result in a significant increase in vehicle movements over and above the existing use of the site.

#### Other matters:

The Essex Historic Environment Record (EHER) shows that the proposed development will affect a building of historical, architectural and archaeological interest. All three buildings (the application

site, the Farmhouse and the Listed Barn) are recorded on the 1<sup>st</sup> edition OS map (1870's). As original fabric, features and fittings are likely to survive within the building, it is important that a survey is undertaken to 'preserve by record' the building prior to any conversion works or alterations taking place.

Given the former use of the application site as a farm and the presence of made ground, the site has been identified as potentially contaminated. Due to this a phased contaminated land investigation will be required, which can be dealt with by condition.

**Conclusion:**

The proposed conversion would not constitute inappropriate development harmful to the openness of the Green Belt nor would it be detrimental to the character and appearance of the area or the historic significance of the curtilage listed barn and adjacent listed buildings. There would be adequate amenity space and off-street parking provided and no additional impact on highway safety. Therefore this complies with the Government guidance contained within the National Planning Policy Framework and the relevant Local Plan policies and is recommended for approval.

***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: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

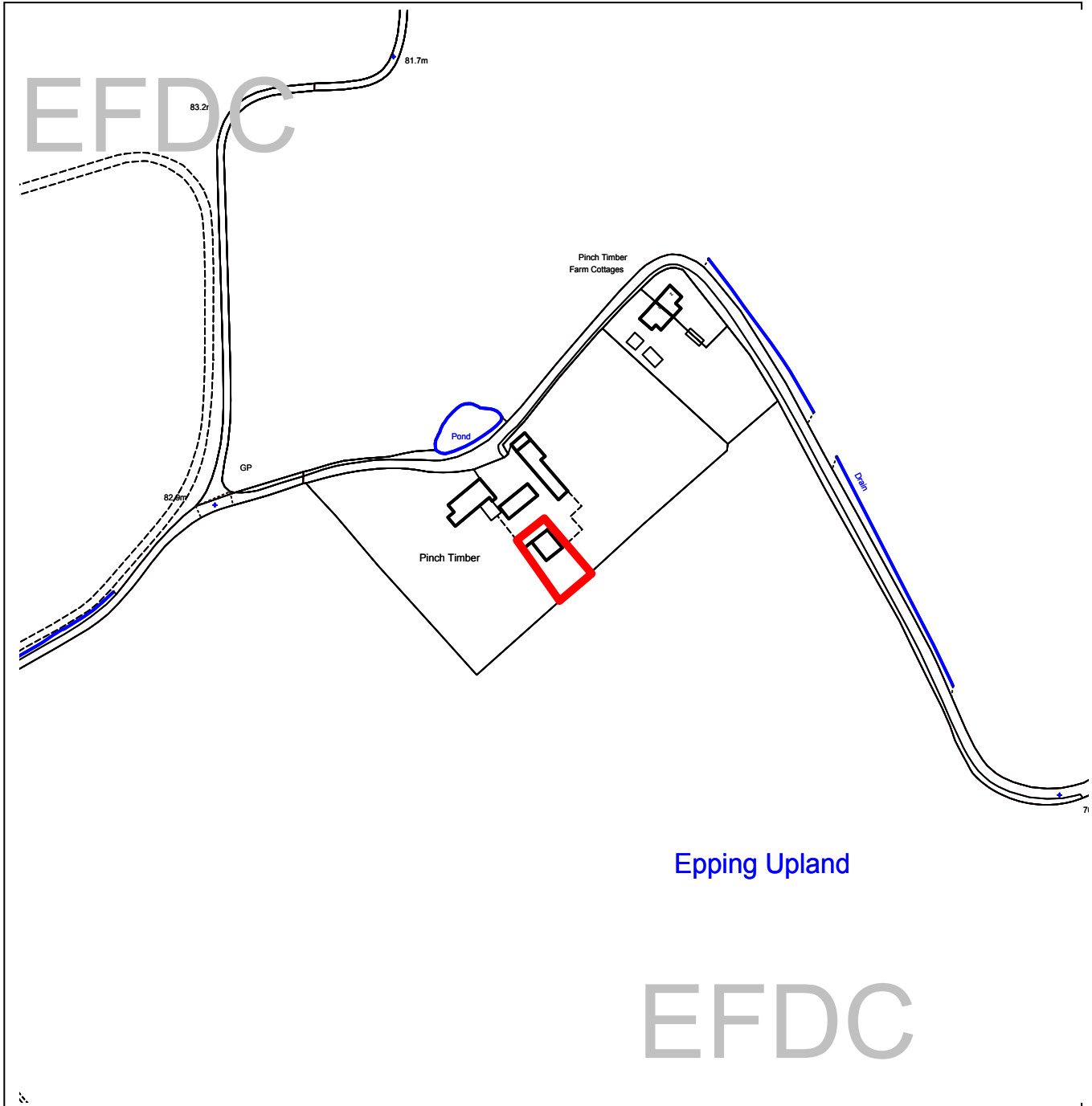
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# Epping Forest District Council

## AGENDA ITEM NUMBER 3



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Application Number:	EPF/0984/15
Site Name:	Pinchtimber Farm Epping Upland, Epping CM16 6PG
Scale of Plot:	1/2500



**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/0984/15
<b>SITE ADDRESS:</b>	Pinchtimber Farm Epping Upland Epping Essex CM16 6PG
<b>PARISH:</b>	Epping Upland
<b>WARD:</b>	Broadley Common, Epping Upland and Nazeing
<b>APPLICANT:</b>	Mrs Avril Gilbert
<b>DESCRIPTION OF PROPOSAL:</b>	Listed Building application for change of use of existing curtilage listed brick barn to two bedroom residential dwelling.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=575498](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=575498)

**CONDITIONS**

- 1 The works hereby permitted must be begun not later than the expiration of three years, beginning with the date on which the consent was granted.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: LB15584/100, LB15584/01, FP15584/02A
- 3 No development shall have taken place until samples of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
- 4 Additional drawings that show details of proposed new windows and doors, by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of any works.

*This application is 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 Services – Delegation of Council functions, Schedule 1, Appendix A.(g))*

### **Description of Site:**

The application site relates to a detached barn to the south of the main dwelling. The building is a red brick barn roofed with red plain clay tiles with no particular historic or architectural significance. The barn remains in a fair condition and sits within the curtilage of two Grade II Listed Buildings. Pinch Timber Farm, the main dwelling, is a 16<sup>th</sup> century or earlier timber framed and weatherboarded house roofed with red plain clay tiles. The second Listed Building is an 18<sup>th</sup> century separate barn, also timber framed and weatherboarded, which has an extant consent for residential conversion.

### **Description of Proposal:**

Consent is being sought for the conversion of a curtilage listed building into a (potential) two bed dwelling. The proposed conversion would primarily utilise the existing window and door openings, however would involve the provision of glazing within the current open bays in the north eastern elevation and the insertion of some glazed doors within the south eastern rear wall. It is also proposed to insert two rooflights within the rear roof slope. The development would involve the creation of an amenity space to the south of the building and access and parking would be shared with the donor property and existing (currently unimplemented) barn conversion.

### **Relevant History:**

There is no planning history specifically relating to the application site, however the following history relates to the Grade II listed barn within the same farm complex:

LB/EPF/1510/11 – Grade II listed building application for conversion of existing barn to residential dwelling and related works – refused 01/11/11

LB/EPF/1464/12 – Grade II listed building conversion of existing barn to residential dwelling and related works – refused 26/09/12

LB/EPF/2194/12 – Grade II listed building conversion of barn to residential dwelling and related works – approved/conditions 07/02/13

### **Policies Applied:**

HC10 – Works to listed building

HC12 – Development affecting the setting of listed buildings

HC13 – Change of use of listed buildings

The above policies form part of the Council's 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

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

4 neighbouring residents were consulted with regards to EPF/0782/15 and a Site Notice was displayed.

PARISH COUNCIL – Object:

- Overdevelopment of site
- Change of use of agricultural land
- Concerns regarding access and parking

### **Issues and Considerations:**

The key considerations are the impact on the curtilage listed building and setting of the Listed Buildings.

The proposed barn conversion would primarily utilise existing openings and would retain the character and appearance of the curtilage listed building and the setting of the Grade II listed farmhouse and barn. Furthermore, whilst the existing building is of no particular historic or architectural significance it nonetheless serves as part of the setting of the original farmhouse. The change of use of the building would allow for the long term retention of this building in a sensitive and appropriate manner that would not harm the setting of the Listed Buildings.

### **Conclusion:**

The proposed conversion would not be detrimental to the character and appearance of the area or the historic significance of the curtilage listed barn and adjacent listed buildings. Therefore this complies with the Government guidance contained within the National Planning Policy Framework and the relevant Local Plan policies and is recommended for approval.

***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:***

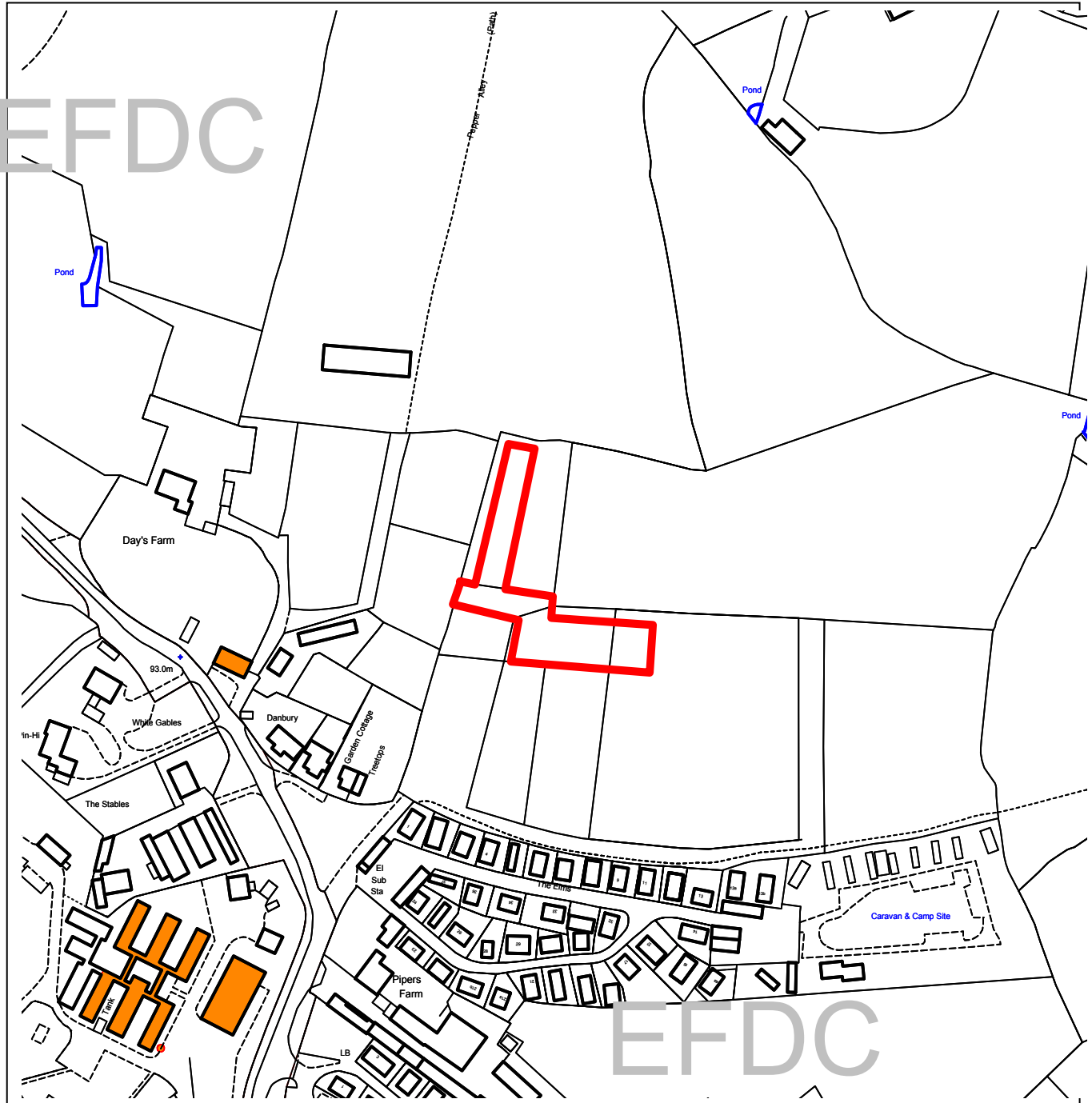
***Planning Application Case Officer: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

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



# Epping Forest District Council

## AGENDA ITEM NUMBER 4



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Application Number:	EPF/0787/15
Site Name:	Willows Stables, Lippitts Hill High Beach, Waltham Abbey IG10 4AL
Scale of Plot:	1/2500

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/0787/15
<b>SITE ADDRESS:</b>	Willows Stables Lippitts Hill High Beach Waltham Abbey Essex IG10 4AL
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey High Beach
<b>APPLICANT:</b>	Mrs Teresa Mhatre
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of ten stable looseboxes, a tack room and outdoor manege and associated landscaping
<b>RECOMMENDED DECISION:</b>	Refuse Permission

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=574874](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=574874)

**REASON FOR REFUSAL**

- 1 The proposed development by reason of the size of the proposed stable structure and the associated ancillary functions of an equestrian use at the site would have an excessive impact on the open character of the Metropolitan Green Belt resulting in visual harm contrary to national guidance contained in the NPPF and local plan policies CP2, GB2A, RST4 and RST5 of the adopted Local Plan and Alterations.

*This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than four letters of support material to the planning merits of the proposal are received (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(f).)*

**Description of Site:**

The application site is located at an isolated area within Epping Forest and the boundaries of the Metropolitan Green Belt. The land under ownership is arranged in paddocks, with an area of hardstanding on its western side, and is accessed down a private lane from Lippitts Hill. Lippitts Hill consists of an enclave of properties and to the south of the site is the Elms Caravan Site and a number of these properties abut its boundary. A row of mature trees are located along the western boundary. To the north of the hardstanding area is a paddock containing various ancillary structures including a caravan and motorhome. A Public footpath passes through the gate and along the southern boundary of the site. The site has traditionally been used for horse related activities and has been used to host equestrian events under Part 4 Class B of the GDPO (28 day rule).

### **Description of Proposal:**

The proposed development is to construct a stable block on an area of grassed land to the north of the area of hardstanding which currently contains the ancillary structures. The building would provide 10 stables and a tack room and associated facilities. The building would have a footprint of approximately 149 sq m. The structure would have a length of approximately 32.0m and a ridge level of 3.0m. A manege (60.0m x 20.0m) would be constructed in one of the paddock areas, to the east of the proposed stables.

### **Relevant History**

EPF/1576/98 - Provision of horsewalker and all weather manege, and erection of two detached buildings to provide stables, ancillary facilities and toilets for the Willows Show Jumping Club.  
Refuse permission - 27/10/1999.

### **Policies Applied:**

CP2 – Protecting the Quality of the Rural and Built Environment  
DBE1 – New Buildings  
DBE2 – Effect on Neighbouring Properties  
DBE4 – Design in the Green Belt  
DBE9 - Loss of Amenity  
GB2A – General Constraint  
GB7A – Conspicuous Development  
RST4 – Horse Keeping  
RST5 – Stables  
LL1 – Rural Landscape  
LL2 – Inappropriate Rural Development  
LL10 – Adequacy of Provision for Landscape Retention  
LL11 – Landscaping Schemes  
ST4 – Car Parking  
ST6 – Road Safety  
NC4 – Protection of Established Habitat  
HC5 – Epping Forest

### **SUMMARY OF REPRESENTATIONS:**

TOWN COUNCIL: No Objection.

20 neighbours were consulted on this scheme.

The following letter of SUPPORT were received: (British Horse Society, 13 The Elms, 13B The Elms, 1 The Elms, 24 Preston Close Leytonstone, 111 Cadogan terrace London, 28 The Elms, 45 Hornbeam Grove Chingford, 16 Foundry Gate Waltham Cross, 36 The Elms, 21a The Elms, 2 Borders Crescent Loughton, 18 Parkway, 6 Geisthorp Court, Pin-Hi, Elms Lippitts Hill, Equicamp, Meadows Lippitts Hill, 1 Ashington Close, 28 The Elms, 40 Godwin Close, The Annex Lippitts Hill, 36 The Elms, 2 Borders Crescent, 22 Stapleford Close, 16 Foundry Close, 67a Francis Road, 83 High View Road South Woodford, Treetops Lippitts Hill, 17 Orchid Gardens, The Stud Farm Saint Mary's Lane, Country Campers Club, 83 High View Road London, 67a Francis road London), a large number of email responses were also received and a summary of the comments were as follows;

“This is a much needed facility within the area, similar to facilities lost nearby”  
“The appearance of the site will be improved with this development”

“Consent will support a local business of 25 years standing and allow them to offer to the local community the opportunity of outdoor sport and recreation”

“The proposal will improve the visual appearance of the site and that of Epping Forest”

“The development accords with local and national planning policy”

“The proposal will reduce vehicle movements by providing a settled base within the forest”

“The NPPF supports outdoor sport and recreation and small business so this is an appropriate form of development”

“The stables will ensure that the fields are kept open and unspoilt for grazing”

“The proposed stables will be replacing a small percentage of the stables lost in the immediate area”.

“As the stables will replace local stables that have closed there will be no increase in traffic”

“The proposed development is an appropriate Green Belt development”

CONSERVATORS OF EPPING FOREST: Objection. Concern about the increased traffic that would be generated through the forest. A caravan, motor home and horse box support the existing use and this new development will be detrimental to the character of the area and visually intrusive within the Green Belt. The proposal therefore represents inappropriate development in the Green belt for which no special circumstances exist.

### **ISSUES AND CONSIDERATIONS:**

The main issues to consider with this application relate to; whether the development is appropriate within the boundaries of the Metropolitan Green Belt, potential impact on the Green Belt, the planning history of the site and surrounding area, design, amenity, vehicle movements and the comments of consultees.

#### **Green Belt**

The proposal was the subject of pre-application discussions with the Planning Department. The site is within the boundaries of the Metropolitan Green Belt and as such national and local policies relating to the Green Belt are relevant.

In 1998 an application for an equestrian related scheme was refused permission for the following reasons;

1. The cumulative effect of the proposals would result in development intrusive in an otherwise open area, adversely affecting the openness of the Green Belt at this point, contrary to Policy RST5 of the adopted Local Plan.
2. The erection of the complex of stables may give rise to increased riding on the highway and within Epping Forest to the detriment of the forest floor and the enjoyment of other users of the forest, contrary to Policies RST5 and HC5 of the adopted Local Plan.
3. The development is likely to lead to an increase in the number of vehicles serving the site and passing the adjacent mobile homes resulting in increased disturbance to the occupiers, contrary to Policies DBE2 and RP5 of the adopted Local Plan.

The National Planning Policy Framework (NPPF) adopted as national policy in 2012 recognises that the “*provision of appropriate facilities for outdoor sport...and recreation...as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it*” need not be inappropriate. Policy GB2A of the adopted Local Plan recognises that uses for “*the purposes of outdoor participatory sport and recreation or essential small scale buildings*” need not be inappropriate. The key issue is therefore whether the proposal can be considered small scale in terms of built form (Policy GB2A) and whether the openness of the Green Belt and the purposes of including land within it are preserved (NPPF).

The applicant has been involved in equine related activities her entire life and horse shows are regularly held at the site. She is eager to establish a firmer footing at the site, as opposed to horses leaving at the end of a day, and believes that owing to the redevelopment of nearby stable sites there is a need for such a facility in the immediate vicinity. The Supporting Statement has identified a number of stable facilities which have ceased to operate in recent years. One recent example being the granting of consent in 2014 for the redevelopment of the nearby Pine Lodge for residential use (EPF/2853/14). Such a redevelopment was considered appropriate within the Green Belt as it was a brownfield site and benefitted from allowances within Paragraph 89 of the NPPF. Quite a number of letters have been received in support of this scheme and it is not doubted that the site has been a beneficial asset to the local riding community through the years.

It is clearly evident that the proposed development is for recreational purposes and as such is a potentially appropriate development within the Green Belt. Further weight in support of the scheme is the fact that the NPPF encourages the sustainable growth and expansion of all types of rural business and enterprise (Para 28). Economic, social and environmental sustainable development is also the key purpose of the planning system. In that respect there is a "presumption in favour of sustainable development".

However both national and local policy requires such developments to preserve the open character of the Green Belt and as per policy GB2A associated buildings should be "small scale". There are also qualified policies in the adopted Local Plan which promote equestrian and stable developments in the district (RST4 & RST5). The qualification includes, inter alia, that the development would not have an adverse impact on the character of the landscape and would not have an adverse impact on public open spaces such as Epping Forest. Local plan policies are considered to be broadly consistent with the NPPF and can therefore be afforded full weight in the determination of this scheme. The local plan policies are much more prescriptive than the NPPF on the issue of stable developments and as per Paragraph 1 of the NPPF it is the Local Plan which frames decision making by giving matters of local distinctiveness considerable importance. In this case there is a clear balancing exercise between a desire to support local enterprise and the provision of local equine facilities and a requirement to preserve the open character of the Green Belt.

Reference has been made, as stated, to the closure of stable yards within the High Beech area. As settled case law, applications are judged on their own merits and it is not considered that such previous decisions will justify further stable developments. The decision must be made in accordance with development plan policies. As the planning application refused consent in 1998, whilst for a stable in a different position, was considered under the same policies it carries some significance in the overall balancing exercise.

The first reason to refuse consent on the 1998 scheme was impact on the open character of the Green Belt. The Supporting Statement outlines how this is for a smaller scale of development and the issue to determine is whether the proposed building is excessive in size. Whilst all things are relative, what is proposed here is not a small scale building. The structure would have a footprint similar in size to a small bungalow. A building of this size would struggle not to impact on the open character of the Green Belt. It is accepted that a screen of trees exists along the western boundary which would reduce the visual presence of the building but there would be a discernible impact on openness. As stated all new buildings in terms of size will be relative to their proposed use but a stable building of this size could not be considered small scale (Policy GB2A) and the proposed building, horse exercise area, associated paraphernalia and parking would fail to preserve the open character of the Metropolitan Green Belt at this location (Para. 89 NPPF), which would be open to long views on an otherwise open site. Officers recognise this as a balanced case and Local Authorities should always seek to support local enterprise where possible but are of the view that a much smaller building would be more appropriate and in compliance with national and local policy. Members may feel that if a commercial stable is to be granted consent at this site then a



building of this size is appropriate to the use. There are positive attributes to this proposal but there is also a requirement to maintain the open character of the Green Belt and both national and local policy are caveated accordingly.

### Epping Forest

Previously concern has also been raised about new equestrian developments within Epping Forest and potential adverse effects contrary to Policy HC5 of the Local Plan. The Supporting Statement outlines how it is not intended for horses to leave the immediate site. Epping Forest provides a valuable recreational outlet within the district and it has been longstanding local planning policy to protect its character for all users. It is difficult to ensure that horses remain within the site and not something that could be easily dealt with by enforceable conditions. However the site does include a reasonable amount of associated grazing land under ownership and in truth a significant number of stables have closed down in the immediate vicinity. It is not therefore considered that the proposed development would result in a significant increase in riding within the forest and its unique character would not be seriously compromised if this scheme was granted consent.

### Sustainability

The Supporting Statement outlines that what is proposed is essentially a “serviced livery” and horses are kept on site for training purposes as opposed to individual looseboxes being rented out. It is not considered that such a service would be unsustainable and would ensure that movements to and from the site were not excessive.

### Neighbour Amenity

The proposed stables have been located within a grassed area of the site as opposed to within the surfaced section. The aim of this location has been to move built form away from the Elms Caravan Park which abuts its southern boundary. This will significantly reduce impact and the previously approved scheme was much closer to the residential premises. Consideration has been given to the site’s relationship with nearby properties and whilst the traffic movements to and from the site will have some material impact on amenity; it is not considered that this will be excessive.

### Design

The proposed design is conventional and raises no issues. An appropriate finish can be agreed by condition. The area of hardstanding associated with the stables is reasonable in size.

### Trees and Landscaping

The submitted Tree Reports confirm that this development is feasible whilst ensuring the protection of the adjacent trees. Conditions relating to tree protection are still however necessary and a condition agreeing the landscaping scheme are also necessary.

### Highway Issues

The Highways Engineers at Essex County Council have raised no concerns with regards to highway safety.

### Land Drainage

The Council’s Land Drainage section has advised that details of surface water drainage are deemed necessary.

### Public Footpath

The public footpath running along the southern boundary of this site would be unaffected by this scheme.

### Way Forward?

This report has concluded that there is one issue of concern with this scheme. That being that the building is excessive in size and would therefore fail to preserve the open character of the Green Belt. Officers are of the view that the building would need to be reduced in size with the removal of approximately four looseboxes in order to be considered more appropriate. Impact from the associated paraphernalia, parking and movements could not be alleviated. It is accepted that this is a commercial venture and therefore a reduction in the size of the building may not be suitable for a commercial livery and may negate the benefit of consent in this instance. Decision Makers must also be mindful of the fact that the size of the building is relative to its proposed use from a Green Belt perspective. The balancing exercise which has taken place in this instance has been a desire to support local enterprise and promote recreational uses whilst also being mindful of local and national Green Belt guidance which places its protection highly.

A particular type of development may be appropriate within the Green Belt but there are obviously limitations to what can be deemed appropriate. The advice contained here is that the scheme as presented, on balance, is inappropriate. Members may feel that the right balance is to fall on the side of approval subject to conditions. Should Members be mindful to grant consent the conditions referred to within this report are considered necessary. Further conditions relating to the number of horses on site, design, layout, parking, traffic movements/deliveries, hours of operation, proposed lighting and manure storage may also be appropriate.

### Conclusion:

For the reason outlined above the proposed scheme is considered unacceptable within the boundaries of the Green Belt and whilst there are some positive attributes to the proposal it is recommended that consent is refused for the following reason;

“The proposed development by reason of the size of the proposed stable structure and the associated ancillary functions of an equestrian use at the site would have an excessive impact on the open character of the Metropolitan Green Belt resulting in visual harm contrary to national guidance contained in the NPPF and local plan policies CP2, GB2A, RST4 and RST5 of the adopted Local Plan and Alterations”.

***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: Mr Dominic Duffin  
Direct Line Telephone Number: (01992) 564336***

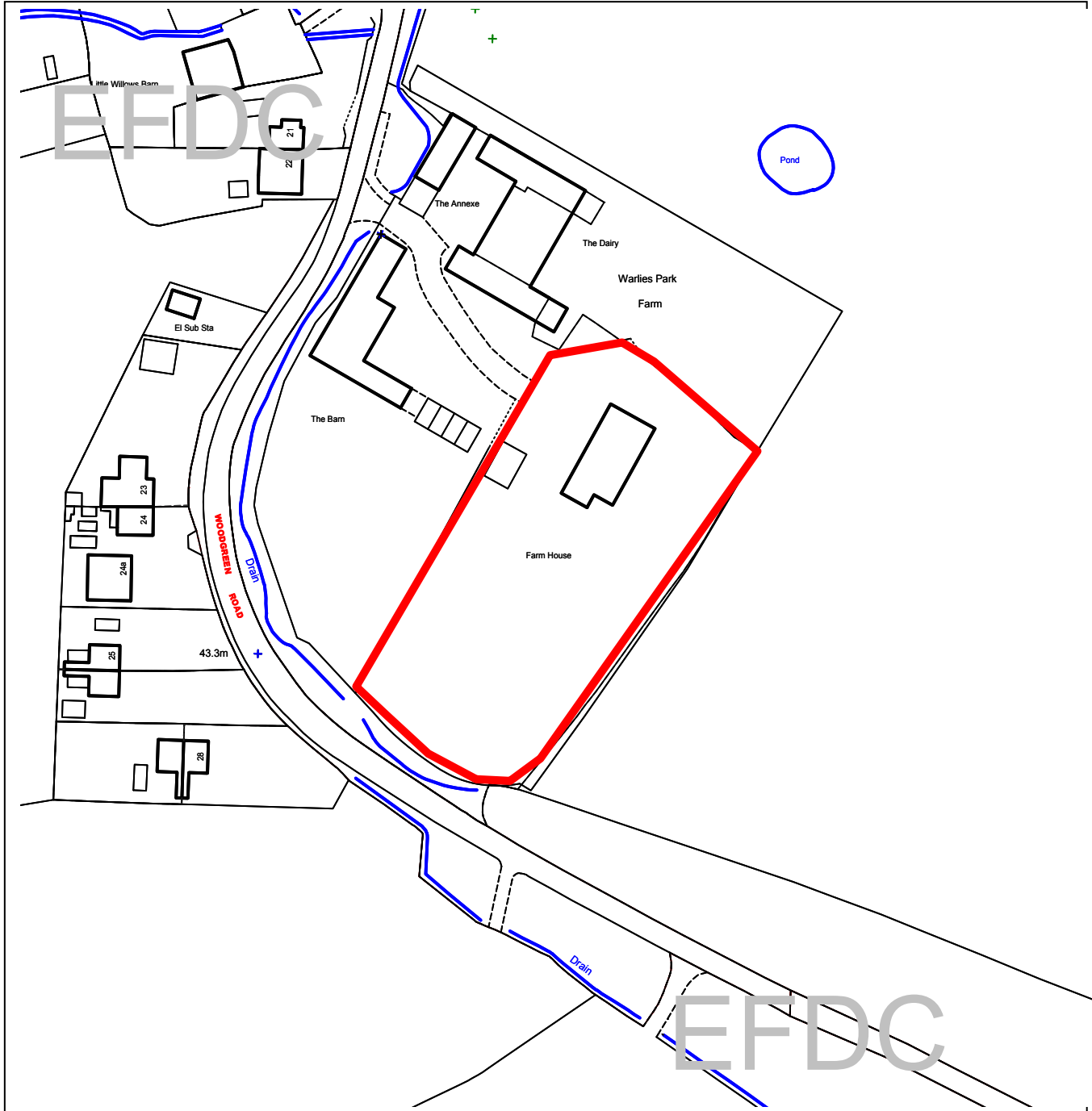
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

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# Epping Forest District Council

## AGENDA ITEM NUMBER 5



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Application Number:	EPF/0950/15
Site Name:	The Farmhouse , Warlies Park Farm Woodgreen Road, Waltham Abbey EN9 3SD
Scale of Plot:	1/1250

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/0950/15
<b>SITE ADDRESS:</b>	The Farmhouse Warlies Park Farm Woodgreen Road Waltham Abbey Essex EN9 3SD
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey High Beach
<b>APPLICANT:</b>	Mr R Sideras
<b>DESCRIPTION OF PROPOSAL:</b>	Loft conversion incorporating increase in ridge height, rear dormer providing staircase headroom, and 4 no. velux type roof windows in rear slopes (Revision to EPF/2677/14)
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=575355](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=575355)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development shall be finished in the materials indicated on the submitted plans and application form unless otherwise agreed by the local Planning authority.

*This application is 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 Services – Delegation of Council functions, Schedule 1, Appendix A.(g))*

**Description of Site:**

The Farmhouse is a two storey detached dwelling located in a large plot accessed by a private road from Woodgreen Road. The property sits to the rear of a recently developed site which included the conversion of an old dairy and barn to dwellings. The house is of historic value and is locally listed as it is an early 19<sup>th</sup> century yellow brick farmhouse. The dwelling is detached with a hipped roof with a two storey side outshot with a very shallow roof behind a parapet. Adjacent to this is a further single storey projection with terrace area. The application site is within the Upshire Conservation Area and the Metropolitan Green Belt.

### **Description of Proposal:**

The applicant seeks consent to extend the dwelling by creating a deeper hipped roof over the entire two storey section of the house which would be 3.1m deep and clearly deeper than what exists. The section over the two storey side outshot would be set slightly below the main ridge. A dormer window and four rooflights would be inserted in the rear roof slope. The dormer window would be a box dormer style.

### **Relevant History:**

EPF/0648/06 – Two storey side extension to house and change of use of barn and dairy into two residential dwellings with associated outbuildings, garaging etc. Grant Permission (with conditions).

EPF/1996/09 - Conversion of lean-to roof to roof terrace, including replacing windows with French doors, extensions to existing garage, new garden wall, swimming pool and summer house, pond and log cabin and tennis court with 3m fencing. Grant permission (with conditions).

EPF/1496/10 - New porch to front entrance and new double garage. Refuse Permission.

EPF/0401/13 - Loft conversion with increase in roof height with dormer window covering the staircase and velux windows facing the rear garden. Small portico to front entrance. Grant Permission (with conditions).

EPF/2677/14 - Loft conversion incorporating increase in ridge height, rear dormers providing staircase and bathroom headroom, Velux windows in front slope and hip ends and Velux Cabrio roof window/balcony units in rear slope. Refuse Permission - 09/01/2015.

### **Policies Applied:**

DBE1 – Design of New Buildings

DBE9 – Impact on Amenity

DBE10 - Residential Extensions

DBE4 – Design within the Green Belt

CP2 – Protecting the Quality of the Rural and Built Environment

GB2A – Development within the Green Belt

HC6 – Character, Appearance and Setting of Conservation Areas

HC7 – Development within Conservation Areas

HC13A – Local List of Buildings

LL10 – Adequacy of provision for Landscape Retention

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

### **Representations Received:**

TOWN COUNCIL: Objection. Concern that this roof addition is excessive and will result in the loss of the character of this building.

8 neighbours consulted and site notice displayed: 1 response received.

THE DAIRY/THE ANNEXE: Objection. The site benefits from an extant permission and this is the upper limit of what should be approved as previously stated by the Council. Concern that the Supporting Statement refers to side facing velux windows which are not shown on the plans. The dotted line on the plans purporting to show the existing roof slope is incorrect in our view and the pitch is not as high. The chimneys are incorrectly shown. I believe the ridge of the roof will increase more significantly. Concern that this is an unsympathetic extension to a Locally Listed

Building which will diminish its architectural and historic value and that of this group of buildings. The proposal seeks to achieve one building of this group dominating the site. The proposal would throw the proportions of the building into imbalance and this will have a negative impact on the building and would fail to enhance the setting of the Conservation Area.

### **Issues and Considerations:**

The main issues to consider relate to the site's location in the Green Belt, design/Conservation Area, amenity and the planning history of the site. .

#### **Green Belt**

The site is within the Green Belt where proportionate extensions to dwellings are permitted. The proposed development would not result in the footprint of the building being increased and although the roof would be more prominent it is not considered that this would have a significant impact on open character, particularly as an extant permission exists to extend in the roof (EPF/0401/13).

#### **Amenity**

The proposed development would have no serious impact on amenity. The adjacent neighbour at the Dairy is located a reasonable distance from this dwelling and the roof will not appear dominating when viewed from this rear garden. It is not therefore considered that the amenity of occupants of this property would be seriously infringed. The house retains a reasonable gap to the boundary.

Concern has been expressed that the Supporting Statement refers to side facing velux windows which are not shown on the plans. Any approved scheme will have to be constructed in accordance with the approved plans and the submitted plans do not indicate side facing dormer windows. In any case such windows can usually be added to side roof slopes if they are obscure glazed where no serious overlooking could occur.

#### **Design/Conservation Area/Neighbour Comments**

The main issue with this scheme relates to design and the fact that this is a Locally Listed Building, of group value, located in a Conservation Area. This site has had a history of recent applications to extend in the roof and there is an extant permission to redesign the roof with a rear dormer window. This extant permission is a material consideration and is in effect a "fallback" that could still be implemented, albeit the applicant indicates it is not practical to implement. .

The adjacent neighbour has raised concerns that this scheme would result in a poor design and a visually dominant building. It is stated that the submitted plans are potentially erroneous and indicate that the increase in ridge height will be much more than what is indicated. It is difficult to ascertain if this is the case but existing chimneys are shown to be much lower than they in effect are. For the purposes of making a decision here it can be accepted that the roof will be significantly altered with a higher ridge and an informed decision can still be made.

It is also highlighted that when application EPF/2677/14 was refused the Council formed the view that what has been granted consent was at the upper limit of what was acceptable. It is accepted that this is the case but what is proposed here is a variation of the approved scheme, albeit with an increased pitch, but not substantially different.

With regards to the design, this is a striking building which also has group value with the adjoining properties. The new design would retain a pitched roof above with a slate covering. Whilst Members may feel the proposal significantly alters the character of this dwelling it could also be

argued that an increased pitch over the two storey outshot may bring visual benefits. Whilst there is a low set pitched roof above the outshot it does have the appearance of a flat roof addition to the side of the house. As stated, the extant permission must be brought to mind as a viable fallback and whether what is proposed here is substantially different. The proposed scheme is similar to the extant permission and it is not considered that an approval of this development would fail to preserve or enhance the special setting of the Conservation Area or this group of buildings. It is not considered the Farmhouse would subsequently dominate this group of buildings or that the dwelling would be imbalanced with this roof structure. Members may be of the view that the proposed scheme is materially different and that a refusal is warranted. However Officers have concluded that on balance the extension to the roof of this dwelling is acceptable visually and not substantially different from what has already been granted consent.

**Conclusion:**

The proposed development is appropriate in relation to its design and appearance and it would not result in any excessive harm to the openness of the green belt or to the amenities of adjoining property occupiers. The development is in accordance with the policies contained within the Adopted Local Plan and Alterations which are consistent with the National Planning Policy Framework. The application is therefore recommended for approval with conditions.

***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: Mr Dominic Duffin  
Direct Line Telephone Number: (01992) 564336***

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

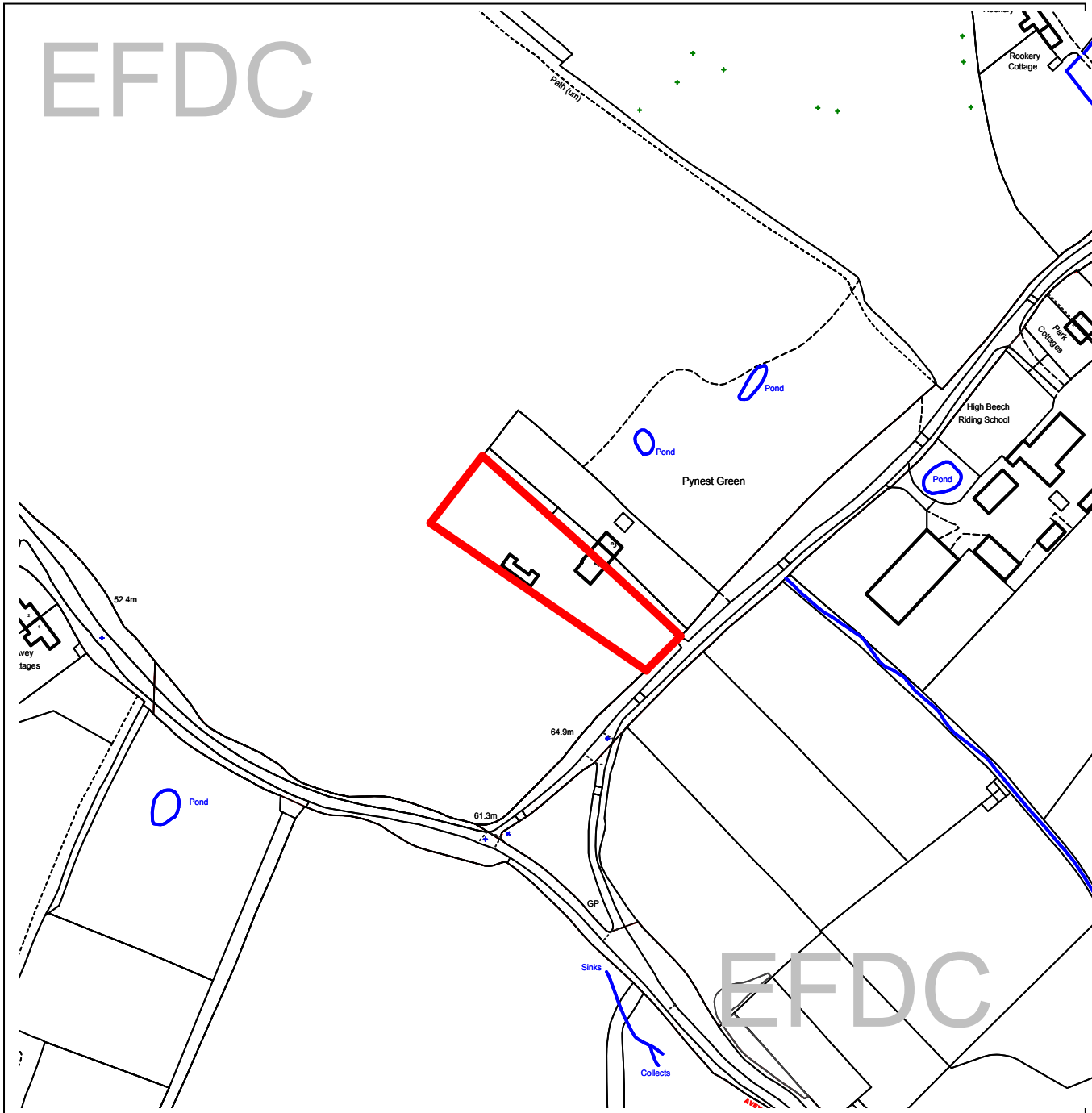


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# Epping Forest District Council

## Agenda Item Number 6



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Application Number:	EPF/0978/15
Site Name:	1 Pynest Green Lane Waltham Abbey, EN9 3QL
Scale of Plot:	1/2500

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/0978/15
<b>SITE ADDRESS:</b>	1 Pynest Green Lane Waltham Abbey Essex EN9 3QL
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey High Beach
<b>APPLICANT:</b>	Mr Derek Connery
<b>DESCRIPTION OF PROPOSAL:</b>	Retrospective application for the erection of gates and brick pillars and proposed new front iron fence.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=575473](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=575473)

**CONDITIONS**

- 1 The colour and materials of the proposed new boundary fencing shall match that specified within the submitted application form, being black coloured iron railings, unless otherwise agreed in writing by the Local Planning Authority.

*This application is 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 Services – Delegation of Council functions, Schedule 1, Appendix A.(g))*

**Description of Site:**

The application site is located on the north western side of Pynest Green Lane and is one of a terrace of three properties that are relatively isolated. The site is approximately 160m southwest from the edge of the more built up enclave along Wellington Hill/Pynest Green Lane and close to High Beech Riding School. The site is located within the Metropolitan Green Belt.

**Description of Proposal:**

Part retrospective planning consent is being sought for the erection of gates and brick pillars and a new front boundary fence. The new entrance gate onto Pynest Green Lane has been erected and consists of two 1.75m high brick piers with cast iron metal gates to a maximum height of 1.83m. The gates are 3.6m in width and open inwards. The application also proposes to replace the existing wooden fence along the front boundary of the site with a new 1.52m high iron metal fence to match the existing gates.

### **Relevant History:**

None relevant.

### **Policies Applied:**

CP2 – Protecting the quality of the rural and built environment

GB2A – Development in the Green Belt

GB7A – Conspicuous development

ST4 – Road safety

The above policies form part of the Council's 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

### **Consultation Carried Out and Summary of Representations received:**

2 neighbouring properties were consulted and a Site Notice was displayed on 13/05/15.

TOWN COUNCIL – Object. Committee considered the design to be out of keeping with the rural scene.

CITY OF LONDON – Object as the new access point forms part of Epping Forest and permission for this proposed use has not been granted by the Conservators.

### **Issues and Considerations:**

The creation of a new vehicle crossover onto Pynest Green Lane does not require planning consent since this is an unclassified road. Also a new boundary treatment up to 1m in height could be erected along the road frontage without the need for planning consent. As such the only consideration in this application are any resulting impact on the Green Belt and regarding highway safety from the 1.52m – 1.83m high boundary treatment and the design of the proposed railings and gates.

#### **Green Belt:**

It is understood that the existing site previously had a picket fence (most of which currently remains on site) that was relatively well screened along its entire frontage and was only accessed from the shared driveway. The creation of the new vehicle access in itself does not require planning consent, however this application proposes to retain the existing 1.75m-1.83m high brick pillars and metal gate to the front and to replace the existing picket fence with 1.52m high railings.

Any higher level boundary treatment within the Green Belt is going to impact on openness since they exacerbate the subdivision of land, however the proposed boundary treatment is relatively open in design and is not excessive in height. The erection of a 1m high boundary along this road frontage could be erected without consent, and the existing side gate and continuation of the proposed boundary treatment along the side boundary does not require planning permission. As such it is not considered in this instance that a 1.52m high set of railings and a 1.75m – 1.83m set of pillars and gates would be significantly more harmful to the openness of the Green Belt than the lawful 'fallback position'. As such the proposal would not constitute inappropriate development harmful to the Green Belt.

### Appearance:

The provision of high metal railings and gates are somewhat more urban than would traditionally be expected in locations such as this and the proposed development would undoubtedly affect the overall character of this road frontage. As such the Town Council's concerns are appreciated and understood.

Notwithstanding this, other examples of railings, gates and significantly higher boundary walls are evident further down Pynest Green Lane including at The Rookery, Tennyson House, and Hanbury. The proposed brick piers are relatively plain and in-ornate and the railings would be open and not unduly visually intrusive. Therefore whilst they do urbanise this site to some degree it is not considered that they are harmful enough to warrant refusal.

### Highway safety:

The creation of the vehicle crossover does not in itself require planning consent since Pynest Green Lane is an unclassified road. It is understood that consent has already been granted by Essex County Council for the new crossover.

With regards to the placement of the gates, these are only set a short distance from the edge of the highway and therefore would not have sufficient space to allow for vehicles to clear the highway whilst the gates are opening. Due to this there would be some stopping up or slowing of traffic on Pynest Green Lane when the residents enter the site. Notwithstanding this, since Pynest Green Lane is an unclassified road and the road is subject to traffic calming measures that slows vehicles down (including a speed bump directly outside the new entrance), the Essex County Council Highways Officer does not require the usual 6m set back of the proposed gates. Therefore it is concluded that the proposed new railings and gates would not be unduly detrimental to the safety or free flow of traffic using Pynest Green Lane.

### Other considerations:

The City of London (Conservators of Epping Forest) have objected to the application "*as the grass verge at the position of this new access point forms part of Epping Forest, and permission for this proposed use has not been granted by the Conservators*". It is understood that they have also written to the applicant directly with regards to this matter.

Since planning permission is not required for the new crossover onto Pynest Green Lane this matter, which is a legal issue regarding ownership/right of access, is not a material planning consideration and therefore cannot be assessed as part of this application. Although consent could be refused for the retention of the new gates and these could subsequently be removed from the site there is no planning requirement to cease the use of the new access onto Pynest Green Lane. Therefore this issue can only be pursued by the Conservators of Epping Forest rather than by the District Council.

### Conclusions:

Given that the proposed boundary treatment is not significantly higher than what could be erected without planning consent it is not considered that the development would constitute inappropriate development harmful to the Green Belt. Whilst the proposed railings and gates are more urban in appearance than the previous boundary treatment on the site the brick pillars are plain and in-ornate and the railings and gates are open and not excessively intrusive. Furthermore other examples of similar boundary treatments can be found at other sites in Pynest Green Lane. As such the proposal would not be unduly detrimental to the character and appearance of the area. The location of the gates would not result in a detrimental impact on highway safety and the free

flow of traffic and therefore, on balance, this application complies with the guidance contained within the NPPF and the relevant Local Plan policies and is therefore recommended for approval.

***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: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

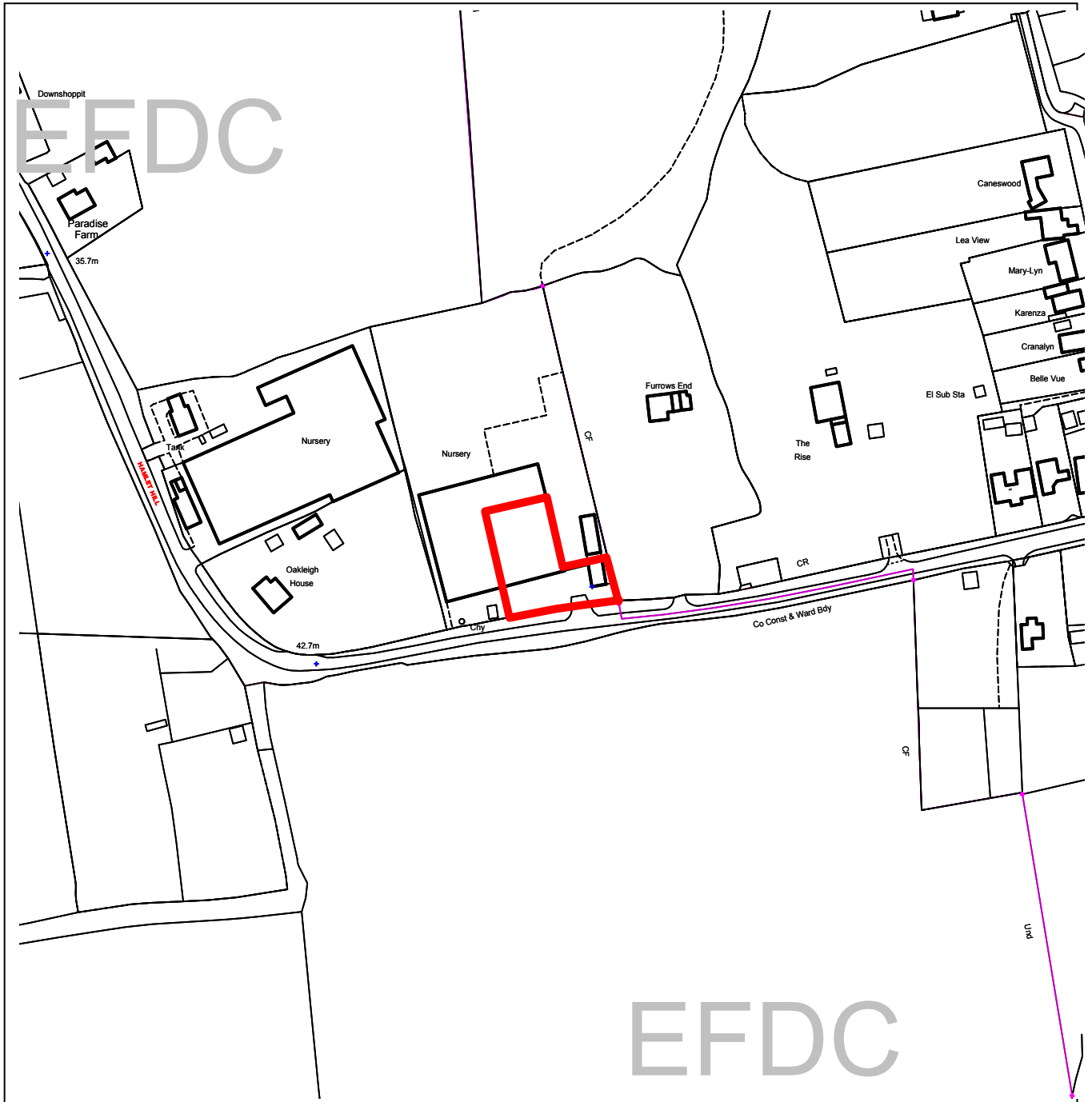
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

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# Epping Forest District Council

## AGENDA ITEM NUMBER 7



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Application Number:	EPF/0995/15
Site Name:	Sons Nursery Hamlet Hill, Roydon CM19 5JZ
Scale of Plot:	1/2500



**Report Item No: 7**

<b>APPLICATION No:</b>	EPF/0995/15
<b>SITE ADDRESS:</b>	Sons Nursery Hamlet Hill Roydon Harlow Essex CM19 5JZ
<b>PARISH:</b>	Roydon
<b>WARD:</b>	Broadley Common, Epping Upland and Nazeing  Roydon
<b>APPLICANT:</b>	Mrs Kathleen O'Driscoll
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use of part of the site to a residential Gypsy and Traveller site for a temporary period of four years, involving the siting of two static caravans and two touring caravans, and an extension to, and the change of use of, the office/store building to a utility block.
<b>RECOMMENDED DECISION:</b>	Grant Permission - Time Limited Use (With Conditions)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=575573](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=575573)

**CONDITIONS**

- 1 The use hereby permitted shall be carried on only by Kathleen O'Driscoll, her daughters Mary Anne, and Crystal (and their dependent children) and her sons Sonny and Jimmy O'Driscoll and shall be for a limited period being the period of four years from the date of this decision, or for the period that the premises is occupied by them, whichever is the shorter.
- 2 When the land ceases to be occupied by those named in condition 1 above, or at the end of the four year period from the date of this decision, whichever shall first occur, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought on to the land, or works undertaken to it in connection with the use shall be removed and the land restored to its condition before the development took place.
- 3 No more than four caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, of which no more than two can be static caravans, shall be stationed on the site at any time.
- 4 Before any mobile home or caravan is brought on site details of foul and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority and the agreed details implemented in full..

- 5 Within three months of the date of this decision a scheme to include details of: external lighting on the boundary of and within the site; the internal layout of the site, including the siting of caravans; the means of foul and surface water drainage of the site; areas of hardstanding; fencing and other means of enclosure, and fencing to be removed shall be submitted to the Local Planning Authority for approval. The details shall include a timetable for implementation.
- 6 Prior to any mobile home or caravan being brought on site the site shall be -100% hard surfaced with robust durable impermeable cover (eg reinforced concrete) to ensure that there is no contact with underlying soils. Thereafter no skirting or other obstruction shall be placed around the base of any of the caravans / mobile homes or any materials stored beneath them that could prevent good airflow and permit ground gases to accumulate.
  - Very well ventilated beam & block floor voids and gas membranes shall be retrofitted in the building to be used as a day room/utility room to prevent gas entry.
  - Barrier water supply pipes shall be used for the portable water supply.
  - The on-site borehole shall be decommissioned in line with Environment Agency guidance or the supply registered with EFDC under the Private Water Supplies Regulations if potable water is drawn from this supply.
  - A verification report shall be submitted to and agreed by the Local Planning Authority to confirm that the above works have been fully carried out, prior to the first occupation of any mobile home or caravan and within 4 months of the date of this decision.
- 7 No commercial vehicles exceeding 3.5 tonnes in weight shall be kept on the land.
- 8 No commercial activities shall take place on the land, including the storage of materials.
- 9 The development hereby permitted will be completed strictly in accordance with the approved plans: Location Plan April 2014, and Utility Block Plan, Proposed site plan 04/15

*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).) and 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 is located on the northern side of Hamlet Hill and is part of a disused horticultural nursery site. The red lined area is an L shaped section of the land fronting the road. It has a road frontage of about 40 metres and stretches back into the site by 40 metres. It includes an existing single storey building 12m by 5.7m which had previously been used for storage/office. The L shaped site wraps around a single storey dwelling (converted agricultural building with a long narrow garden) which is within the same ownership. The remainder of the original nursery site is also within the same ownership. The nursery site is bounded to the front by a high close boarded fence. To the west and east are detached dwellings. The site itself is all hardsurfaced, (largely the remains of the original glasshouse base). There is no current horticultural use on the site, or on any part of the land within the applicant's ownership.

**Description of Proposal:**

The proposal is to change the use of the L shaped site to a residential gypsy and traveller site involving the stationing of up two static mobile homes and 2 touring caravans and to utilise the building as a utility block, day room and additional bedroom facility. The application is for a temporary consent for 4 years. The submitted plan shows the two mobile homes and two caravans sited within an area measuring 21m x 29 metres located 15 metres back from the front boundary of the site and enclosed by a 1.2m high fence to the front and 2m fence to the sides and rear 2m high fence. The utility block building is outside this fenced area. The remaining land within the red line would be available for parking and turning

### **Relevant History:**

The Sons nursery site has a long planning history including a number of enforcement issues but this section of the site has no authorised use other than horticulture

The following applications are relevant:

EPF/0939/04- Change of use to a mixed use of horticulture, private play area (climbing frame etc), storage of max 4 caravans, retention of embankments and hard standing, erection of boundary walls and fences and replacement garage. – Refused for the following reasons

- The site is within the Metropolitan Green Belt. The works as carried out and as proposed, and the proposed use, represent inappropriate development by definition harmful to the Green Belt. No very special circumstances have been advanced that would outweigh the harm to the Green Belt that would result from approval. The proposals are therefore contrary to Government guidance and policy C2 of the Essex and Southend on Sea Replacement Structure Plan and Policy GB2 of the adopted Local Plan.
- The proposal includes extensive areas of hard landscaping, embankments and fences, in which regard it fails to respect the surrounding landscape, is harmful to the character and appearance of the countryside and is therefore contrary to policy LL2 of the adopted Local Plan.

EPF/0219/13 -Change of use of the central part of the site to a residential Gypsy and Traveller site involving the siting of up to four static caravans and four touring caravans and the construction of two semi-detached utility blocks for a temporary period of four years, and the change of use of the rear part of the site to a paddock for horses with the construction of a stable block.- Withdrawn

EPF/1856/13 - Change of use of part of the site to a residential Gypsy and Traveller site for a temporary period of four years involving the siting of two static caravans and the change of use of office/store building for use as a utility block. – Withdrawn

Enforcement – There have been a number of enforcement complaints since 2004 with regard to caravans and portacabins on this site and other works, these have been investigated and followed up such that in 2005 an enforcement Notice was issued and complied with requiring the removal of caravans and mobile homes from the nursery.

On a number of occasions breaches of this notice have taken place but on investigation the offending caravans have been removed.

In 2013 a portable building was brought on site and 2 new enforcement notices were served requiring amongst other things the removal of the demountable building, a container and caravans from site and the cessation of use of the land for residential purposes.

Subsequently the caravans, but not the portable building, were removed from the site and applications of temporary use of the site for Gypsy caravans were received and it was considered that although the portable building appeared to be utilised as living accommodation it would be appropriate to await the outcome of these before considering further action.

## Summary of Representations

11 neighbours were notified and a site notice was displayed from 15<sup>th</sup> May 2015

The following representations were received,

PARISH COUNCIL –

ROYDON HAMLET RESIDENTS ASSOCIATION - We strongly object to this application and ask this is NOT supported and approved.

The site is located within the MGB and part of the site has some limited tie to Horticulture.

Whilst recognising the applicant has some health issues, as indeed many of our Residents do, this does not lead to special circumstances being taken into consideration.

The Site has a history of being anti-social and really concerns local Residents.

Some examples are:

Existing enforcements not being adhered to.

7 'armed' police response vehicles attending the site following discharge of shotgun and death threats being heard by immediate neighbours.

The burning of unknown substances leading to acrid fumes wafting over the neighbouring fence-complaints from immediate neighbours made to EFDC )

Persons unknown sleeping in portacabin and packing shed

Many noisy parties spilling over to the early hours of the morning (reported to efdc)

Touring caravans and portacabin on-site under an enforcement notice

Ice cream van and Burger van on site, operating presumably as an unauthorised operating centre

Four neighbouring houses complain they will be surrounded by gypsy encampments if this application is approved-particularly with Rose Farm having a temporary residency period recently granted (presumably this will be used as a precedent)

Roydon Hamlet continues to be challenged with similar planning requests and support of these cannot be tolerated

Son's nursery has the potential to become a very large Gypsy encampment over time and planners need be very aware of this.

We recognise that Gypsy and Travellers have a right to be homed but at the same challenge EFDC to find alternative sites that can be developed in other areas outside of Roydon Hamlet Roydon Hamlet has been inundated with site approvals over the years and is now viewed a 'soft touch' for applicants and their planning agents -our Residents believe planners appear to simply approve such applications as an easy option. They are indeed frightened.

We are mindful of Neverest and Castle Farms that could presumably at some time in the future apply for similar planning to readopt their sites (currently empty and overgrown). There are also other small parcels of land that could similarly be targeted

We ask that the local residents views are taken into consideration and this application is rejected.

ROYDON HAMLET RESIDENTS - As before we feel there are no special circumstances to allow this development within the green belt. Prices may be high for non green belt land but we are all subject to that. We would all like the luxury of our offspring living close to give us support , a characteristic of ideal family life. Many residents have elderly parents to care for, but no rules would be broken for us. Our doctors are stretched, schools full, our roads busy, and no mains drainage.

We have enough gypsies living in our immediate area , they dont stick to the rules. Whatever conditions are imposed they will be breached .the floodgates will open for others to follow.

Importing waste, dumping of rubbish over many years will have contaminated the land.

There are already breaches of planning conditions as can be seen by a site visit, stretching the rules again!

Who will be living here?

If this is approved for four years, it will be for ever and the site will expand once a foothold is gained. A nearby plot was granted permission for residents who appear to use it as a holiday home, living in the 'utility room' and renting out the caravan plots.

There still seems to be an extension to the utility room. The trees that should line the site have been neglected and half have died, so don't screen anymore. There are half a dozen newly erected streetlamps which are not on the plan. At dusk the plot looks like a motorway service station, which is not appreciated in the country, light pollution is a problem and not necessary.

There has been trouble with this family already, in the form of a twenty four hour siege which armed response officers attended. The police carried out a raid at the end of August in connection with a murder, Mr O'Driscoll is now in prison. Traders have called on neighbours when their bills have been left unpaid. Late night noise blights us.

In conclusion, the residents strongly object to this application and fear nothing but trouble .

We have far too many gypsies in the area and residents feel outnumbered, could the sites be more spread out to make it fairer? Please protect our green belt.

PARADISE FARM, HAMLET HILL - I oppose the plans as we already have 10 gypsy/traveller sites in the area. We believe it will blight the value of property and the area. I strongly stress I oppose this application.

THE RISE, HAMLET HILL - There appear to be several caravans and people living on site at present. Concerned it will become a permanent consent. Glasshouses have been smashed and gone and covered with rubble. Enforcement notices were never complied with. There have been 2 firearms incidents and the owner has recently been charged with another incident. The site is close to a dangerous bend and the access is hazardous. There are constantly bonfires with acrid fumes, making normal outdoor activities impossible. Dogs are allowed to roam worrying our pets and on one occasion a pony was trampling our garden with 2 men chasing it. The road below the bend before Son's Nursery suffered flooding in the spring we assume this was caused by the amount of concrete that has been laid. Hamlet Hill already supports several caravan sites, mostly well kept but they all make demands on limited local facilities. This is a country area within the Green Belt and not suitable for the proposed development.

OAKLEIGH HOUSE, HAMLET HILL – The development does not provide a satisfactory appearance in the interests of visual amenity within the Green Belt. The vehicles from 4 pitches will increase traffic on this dangerous bend. The proposed siting of 4 caravans on top of embankments was refused in 2004 (EPF/0939/04) Planners might consider the long term effects and consequences of tonnes of imported materials, not supervised by any known qualified authority, to level the natural topography of the Green Belt.

CONTAMINATED LAND OFFICER -It should be feasible, even for a temporary use, to cut off all contaminant pathways by ensuring that:

- the application site is 100% hard surfaced with robust durable impermeable cover (eg reinforced concrete) to ensure that there is no contact with underlying soils
- no skirting or other obstruction are placed around the base of any of the caravans / mobile homes or any materials stored beneath them that could prevent good airflow and permit ground gases to accumulate.
- very well ventilated beam & block floor voids and gas membranes are retrofitted in buildings proposed for domestic use to prevent gas entry.
- barrier water supply pipes are used for the potable water supply
- the onsite borehole is decommissioned in line with Environment Agency guidance or the supply registered with EFDC under the Private Water Supplies Regulations if potable water is drawn from this supply.

I would recommend that either a site specific land contamination mitigation condition requiring the above measures to be carried out and a completion report demonstrating that the measures have been completed to be submitted and approved prior to occupation of the site is attached to any approval granted (Reason: in order to protect human health, controlled waters and the environment) or, if it is felt to be financially feasible, that the normal standard land conditions SCN87, 87A, 87B, 87C and 87D are attached to any approval granted.

ESSEX COUNTY COUNCIL HIGHWAYS - From a highway and transportation perspective the Highway Authority has no comments to make on this proposal as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and policies ST4 & ST6 of the Local Plan. The existing access onto Hamlet Hill has appropriate visibility for the speed of the road and suitable geometry.

DRAINAGE AND WATER TEAM - The site does not lie within an Epping Forest District Council flood risk assessment zone. The site does not lie within any Environment Agency (EA) Floodzones; therefore consultation with the EA is not required. The applicant is proposing to dispose of foul sewage by septic tank. Further details are required including the outfall. Due to the level of treatment a septic tank provides it is not suitable to discharge a septic tank to a watercourse. Please add a condition requiring approval of foul drainage details by the Local Planning Authority prior to development commencing.

The applicant is proposing to dispose of surface water by soakaway. The geology of the area is predominantly clay and infiltration drainage may not be suitable for the site. Further details are required. Please add a condition requiring approval of surface water drainage details by the Local Planning Authority prior to development commencing.

No objection to planning application in principle, subject to the approval/implementation of the requirements set out above by this team.

**Policies Applied:**

National Policy

The National Planning Policy Framework (NPPF)  
Planning Policy for Traveller Sites (March 2012)

Local Policy

The following policies of the adopted Local Plan and Alterations are considered to be in accord with the NPPF and are therefore to be afforded appropriate weight.

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
GB2A – Development in the Green Belt  
H10A – Gypsy caravan sites  
LL2 – Inappropriate rural development  
U2A – Development in Flood Risk Areas  
RST24 – Design and location of development in the LVRP  
ST1 – Location of development  
ST2 – Accessibility of development

**Issues and Considerations:**

The main concerns are the impact of the proposal on the Green Belt, Highway safety, sustainability and impact on residential amenity. Contamination and flood risk also need to be assessed.

### Green Belt

The site is within the Metropolitan Green Belt and the proposed use for Gypsy and Travellers is not identified in the NPPF as an appropriate Green Belt use, therefore, there need to be very special circumstances sufficient to outweigh the harm that would result from the development. Policy E of the Planning Policy for Traveller Sites states

“Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development.”

Para 25 of the same document states

“Subject to the implementation arrangements at paragraph 28, if a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission”

It is therefore for the applicant to prove that there are very special circumstances. In this instance the applicant's agent has put forward the personal circumstances of the proposed occupants of the site to justify the exception to normal Green Belt constraint.

Kathleen O'Driscoll (who is currently residing in the existing office/store building on the site) has severe health problems that make nomadic life impossible, and in addition she requires, due to her health condition, her own personal shower and toilet facilities which would be provided within the Utility block along with a separate bedroom.

One of the proposed mobile homes would be occupied by Mrs O'Driscoll's elder daughter Mary Ann (23) and her daughter Kathleen (4) The other by Kathleen's younger daughter, Crystal (20) and daughter Marianne (2).

The proposed touring caravans would be occupied by Mrs O'Driscoll's sons Sonny and Jimmy aged 18 and 19.

If the application is approved the portable building which is currently utilised as a day room and shower/wc facility by Kathleen O'Driscoll, would be removed.

The applicant's agent argues that the family have been residing at least part time at the site for 9 years. Kathleen left the site when the family were required to remove the mobile home to comply with the enforcement notice, and she then lived with her mother for a while, but this was impractical and she then lived for some time with her aunt in Cheshunt. She is currently living permanently at the site (utilising the portacabin and the utility room building). Verification of Kathleen's severe health problems have been submitted.

With regard to Gypsy Status it is argued that Kathleen gave up her nomadic life initially for the education needs of her children but such a way of life would not be possible for her now because of her vulnerable health. Her daughters need to be on site so they have somewhere to live, but also to provide care and support to their mother. Mary Anne's daughter is due to start at Navestock School later in the year. Kathleen's sons are still of an age where they need to be looked after at home. Sonny does travel for work but has health issues which mean he cannot do this all the time. Jimmy is looking to return to college.

In addition the applicant's agent argues that the future provision of traveller sites within the District will inevitably have to be within the Green Belt and that therefore those sites which do less harm to the openness and the purposes of including land within the Green Belt, should be favoured. The argument is that Son's Nursery is such a site. It has no special designation and is within a block of properties on the northern side of the road. The development has less impact on openness than the former horticultural use. In addition the proposal is for a temporary period only which will limit the harm.

In determining this application then we do need to assess the current position with regard to provision for Gypsies and Travellers

#### The need for Gypsy sites

The most recent Government guidance on making provision for Gypsy and Traveller, and Travelling Showpeople accommodation was published in March 2012 – 'Planning policy for traveller sites'. This requires, inter alia, local planning authorities to make their own assessment of need and that Local Plans should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of sites against the locally set targets.

In 2013 the Essex Planning Officers' Association (EPOA) commissioned the consultants Opinion Research Services (ORS) to undertake a Gypsy and Traveller Accommodation Assessment (GTAA) for the County of Essex and the unitary authorities of Southend-on-Sea and Thurrock – this also included the Travelling Showpeople population of the study area. The main aim of the study was to establish the needs for future pitch and yard (for Travelling Showpeople) provision in the period up to 2033.

Methodology used in the study included desk-based research, stakeholder engagement, interviews with the travelling community, contact with all authorities adjoining the Essex County boundary (partly to satisfy Duty to Co-operate requirements), and addressing issues of particular difficulty including (i) identifying travellers living in bricks and mortar accommodation and concealed households, and (ii) assessing in- and out- migration.

The final version of the study was published in July 2014 and included in this Council's Local Plan Evidence Base at a Cabinet meeting in September 2014.

The conclusions of the study have been prepared at individual authority level and the particular findings for Gypsy and Traveller provision for Epping Forest District Council are:

**Current need** (made up from unauthorised caravans and estimated figures for concealed households and those living in bricks and mortar who wish to move to caravans on pitches) – 28 pitches;

**Future need** (made up from current pitches with temporary permission and household formation from the population already present in the district) – 84 pitches (74 of these arise from household formation). Permanent permission for 4 pitches (8 caravans) was granted in November 2014 (ie after publication of the GTAA) for Hallmead Nursery in Nazeing – these previously had temporary permission;

**Total need from 2013 to 2033** – 112 pitches, of which 66% (ie 74) derive from new household formation.

#### **Options for addressing the need and identifying a five-year deliverable supply of sites**

Need has been estimated over a period of 20 years and decisions on the phasing of provision will be made as the Preferred Option Consultation draft of the Council's emerging Local Plan is being prepared – it is hoped to go on public consultation in summer 2016.

Options include:



More intensive use of, or extensions to, existing permanent authorised sites – this seems particularly appropriate given that (i) 66% of the projected need comes from household formation, and (ii) most of the District's travelling community is made up of small discrete family units. This does not mean that the Council expects 66% of future provision to come from such windfall applications – it merely recognises that a significant portion of future demand is more likely to come from the community that is already established in the district;

Continuing the approach of regularising, where this is appropriate in planning policy terms, the remaining unauthorised caravans and the pitches with temporary permission;

Making some provision for new traveller pitches on suitable sites that will be identified in the new Local Plan for housing growth and other development – this is likely to involve collaboration with adjoining authorities and, in particular, Harlow District Council. Discussions with a number of developers with sites on the Harlow boundary have always included the need for their schemes to include provision for the travelling community;

Identifying appropriate sites for allocation specifically for the travelling community in the new Local Plan – a search for, and analysis of, potentially suitable publicly and privately owned sites is proceeding;

In the light of Planning policy for traveller sites and the recent CLG consultation "Planning and travellers", opening discussions with neighbouring authorities to assess the possibility of some provision being made outside the district;

Continuing to use Policy H10A of the Local Plan Alterations until it is replaced by policies in the new Local Plan. This policy (as H10) was part of the 1998 Local Plan, and it was introduced in recognition of the fact that the district included a significant traveller community of many years' standing, and was an attempt to draw a balance between the needs of that community and the constraints that apply in the Green Belt.

It is the view of the Planning Officer that the personal circumstances set out, by the applicant's agent carry relatively little weight. It is accepted that the O'Driscolls are of Gypsy origin but their circumstances seem little different from any other Gypsy family with no stable site, and there is no specific reason why this site is more appropriate for them than any other site or that they have a greater need than any other gypsy family.

However the argument with regard to the nature of the site does carry some weight. Given the recognised need for additional sites which it is accepted will need to be within the Green Belt, the fact that this site is not on open countryside but is between existing residential properties and is extensively hard surfaces and well screened from view does mitigate in favour of the development. We are still more than a year away from any new Local Plan in which suitable sites for Gypsies and Travellers will be identified and until such time we do need to assess each application on its merits. As it is accepted that there is a need, and that sites will need to be in the Green Belt we need to consider whether this requirement, taken together with the specific circumstances of the family are sufficient to outweigh the adverse impact on the openness of the Green Belt and the character and appearance of the countryside as set out in Policy H10a.

In this instance given that the impact on openness and on character and appearance of the countryside are minimal in comparison to the previous nursery use of the site, on balance it is considered that the temporary use of this site for just two mobile homes and 2 touring caravans, and use of an existing building as a dayroom/bedroom utility room etc within a very confined part of the larger land ownership, can be acceptable in Green Belt terms.

Highway Safety

The access to the site is existing and is considered by the Highway Authority to be appropriate, suitable site lines are available in each direction and the gates are adequately set back from the road to enable vehicles to stop clear of the highway while the gates are opened. In addition there is adequate space within the site for the parking and turning of vehicles. The Highway Authority therefore raise no objection to the proposal.

#### Sustainability.

The site is not particularly well located with regard to access to schools, shops and other facilities, anyone living at the site is likely to be heavily reliant on the car, and the road has no pavement and is not best suited for pedestrian movements. However, the site is clearly not isolated or remote compared to other parts of the District and journeys are therefore likely to be relatively short.

#### Residential Amenity

The site is close to residential properties to the east and west, but the proposed use is residential. The application does not suggest that the site would be utilised for any commercial vehicles or business use and conditions can be attached to control this, given that the previous use of the site was as a commercial nursery, it is not considered that there will be increased harm to residential amenity as a result of the development. Whilst neighbours have raised concerns about past issues at the site including bonfires, police raids and safety fears these are not directly relevant to the current application which is for a residential use.

#### Contamination

The applicants submitted a Phase 1 site investigation with the application, but this failed to acknowledge that the previous uses of the site are potentially contaminating and is therefore not appropriate. Residential uses with children in occupation would be classified as a particularly sensitive use and it is therefore necessary that full contaminated land conditions be applied should planning permission be granted.

#### Flood Risk.

The site does not fall within a Flood Risk Zone and the proposals are not likely to result in any risk of flooding within the site or any increased run off that would result in risk of flooding elsewhere.

#### Other issues.

Concern has been raised by neighbours regarding what is perceived as an over concentration of Gypsies and Travellers in the Nazeing area. Whilst strategically and in any Local Plan the Local Planning Authority will logically be seeking to ensure that provision for Gypsies and Travellers is made throughout the District, to meet needs and provide choice, at present in the absence of such a strategic identification or provision of sites we can only respond to applications submitted and treat each on its merits. It is not considered that this proposal which will enable 4 adults and 2 children under 5 to occupy the site will have a significantly adverse impact on the existing community infrastructure.

Impact on adjacent house values is not a material planning consideration.

Concern over lighting has been expressed. There were no obvious lighting columns at the time of the officer's site visit in April, but this can be investigated. A condition can be attached to require consent for any external lighting.

#### **Conclusion**

The proposed development is inappropriate in the Green Belt. There is however a recognised and unmet need for additional Gypsy and Traveller pitches in the District. Given the temporary nature of the proposal, the relatively small scale of the development, the enclosed and hard surfaced nature of the site and its previous use, the impact of the development will be relatively minor and short term. As such the application is recommended for approval subject to conditions.

**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: Mrs Jill Shingler  
Direct Line Telephone Number 01992 564106**

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