



Epping Forest District Council

Area Plans Subcommittee C Wednesday, 13th April, 2005

Place: Shelley County Primary School, Shelley, Ongar

Room: Community Room

Time: 7.30 pm

Democratic Services Officer Gary Woodhall, Research and Democratic Services
Tel: 01992 564470 Email: gwoodhall@eppingforestdc.gov.uk

Members:

Councillors K Wright (Chairman), R Morgan (Vice-Chairman), Mrs D Collins, P Gode, J Harrington, D Jacobs, D Kelly and Mrs M McEwen

A BRIEFING FOR THE CHAIRMAN, VICE-CHAIRMAN AND APPOINTED SPOKESPERSONS WILL BE HELD AT 6.30 P.M. ON THE DAY OF THE SUB-COMMITTEE.

A plan showing the location of Shelley County Primary School is attached to this agenda

1. ADVICE TO PUBLIC AND SPEAKERS AT COUNCIL PLANNING SUBCOMMITTEES (Pages 1 - 4)

General advice to people attending the meeting is attached.

2. MINUTES (Pages 5 - 12)

To confirm the minutes of the last meeting of the Sub-Committee.

3. APOLOGIES FOR ABSENCE

4. SUBSITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

(Head of Research and Democratic Services) To report the appointment of any substitute members for the meeting.

5. DECLARATIONS OF INTEREST

(Head of Research and Democratic Services) To declare interests in any item on this agenda.

6. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs 6 and 25 of the Council Procedure Rules contained in the Constitution requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

In accordance with Operational Standing Order 6 (non-executive bodies), any item raised by a non-member shall require the support of a member of the Committee concerned and the Chairman of that Committee. Two weeks' notice of non-urgent items is required.

7. CARISBROOKE FARM, KILN ROAD, NORTH WEALD - PL/131 (Pages 13 - 22)

To consider the attached report.

8. DEVELOPMENT CONTROL (Pages 23 - 32)

(Head of Planning and Economic Development) To consider planning applications as set out in the attached schedule

Background Papers: (i) Applications for determination – applications listed on the schedule, letters of representation received regarding the applications which are summarised on the schedule. (ii) Enforcement of Planning Control – the reports of officers inspecting the properties listed on the schedule in respect of which consideration is to be given to the enforcement of planning control.

9. DELEGATED DECISIONS

(Head of Planning and Economic Development) Schedules of planning applications determined by the Head of Planning and Economic Development under delegated powers since the last meeting of a Plans Subcommittee may be inspected in the Members Room or at the Planning and Economic Development Information Desk at the Civic Offices, Epping.

10. EXCLUSION OF PUBLIC AND PRESS

To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the paragraph(s) of Part 1 of Schedule 12A of the Act indicated:

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

To resolve that the press and public be excluded from the meeting during the consideration of the following items which are confidential under Section 100(A)(2) of the Local Government Act 1972:

Agenda Item No	Subject
Nil	Nil

Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.
- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

Background Papers: Paragraph 8 of the Access to Information Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.

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Advice to Public and Speakers at Council Planning Subcommittees

Are the meetings open to the public?

Yes all our meetings are open for you to attend. Only in special circumstances are the public excluded.

When and where is the meeting?

Details of the location, date and time of the meeting are shown at the top of the front page of the agenda along with the details of the contact officer and members of the Subcommittee. A map showing the venue will be attached to the agenda.

Can I speak?

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**. Ring the number shown on the top of the front page of the agenda. Speaking to a Planning Officer will not register you to speak, you must register with Democratic Service. Speakers are not permitted on Planning Enforcement or legal issues.

Who can speak?

Three classes of speakers are allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the Applicant or his/her agent.

What can I say?

You will be allowed to have your say about the application but you must bear in mind that you are limited to three minutes and if you are not present by the time your item is considered, the Subcommittee will determine the application in your absence.

Can I give the Councillors more information about my application or my objection?

Yes you can but it must not be presented at the meeting. If you wish to send further information to Councillors, their contact details can be obtained through Democratic Services or our website www.eppingforesdc.gov.uk. Any information sent to Councillors should be copied to the Planning Officer dealing with your application.

How are the applications considered?

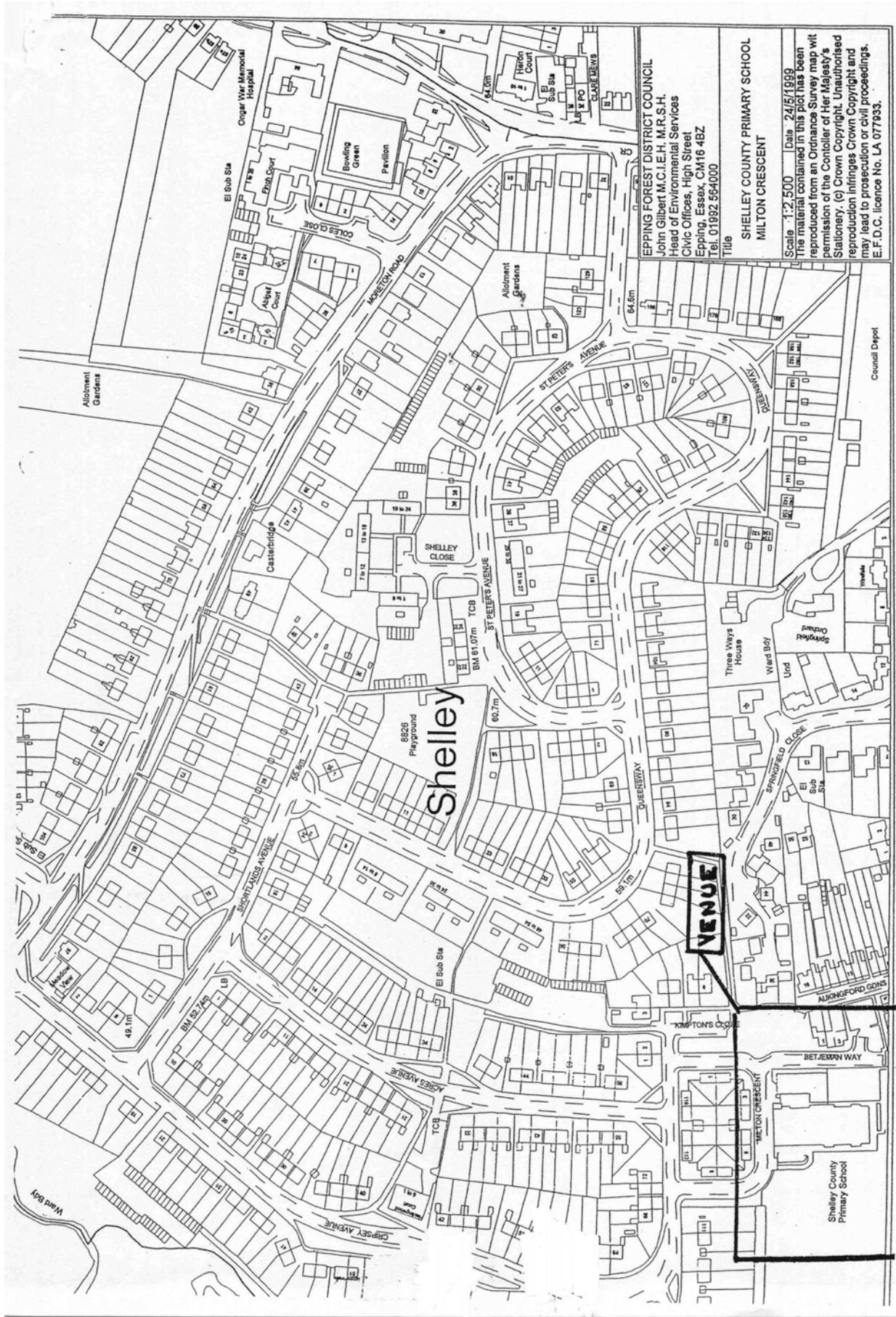
The Subcommittee will consider applications in the agenda order. On each case they will listen to an outline of the application by the Planning Officer. They will then hear any speakers presentations. The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Subcommittee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Subcommittee. Should the Subcommittee propose to follow a course of action different to officer recommendation, they are required to give their reasons for doing so.

The Subcommittee cannot grant any application, which is contrary to Local or Structure Plan Policy. In this case the application would stand referred to the next meeting of the District Development Control Committee.

Further Information?

Can be obtained through Democratic Services or our leaflet 'Your Choice, Your Voice'

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EPPING FOREST DISTRICT COUNCIL
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 Head of Environmental Services
 Civic Offices, High Street
 Epping, Essex, CM16 4BZ
 Tel. 01992 564000

SHELLEY COUNTY PRIMARY SCHOOL
 MILTON CRESCENT

Scale 1:2,500 Date 24/5/1999
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EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee:	Area Plans Sub 'C'	Date:	16 March 2005
Place:	Shelley County Primary School, Ongar	Time:	7.30 pm – 9.00 pm
Members Present:	Councillors K Wright (Chairman), R Morgan (Vice-Chairman), Mrs D Collins, P Gode, J Harrington, D Kelly, Mrs M McEwen.		
Other Councillors:	-		
Apologies:	Councillors D Jacobs.		
Officers Present:	R Bintley (Planning and Economic Development), G J Woodhall (Research and Democratic Services).		

61. WELCOME AND INTRODUCTION

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements adopted by the Council to enable persons to address the Sub-Committee in relation to the determination of applications for planning permission.

62. MINUTES

RESOLVED:

That the minutes of the meeting held on 16 February 2005 be taken as read and signed by the Chairman as a correct record.

63. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor P Gode declared a personal interest in item 5 (Venue for Future Sub-Committee Meetings) of the agenda, by virtue of being a member of the Board of Governors for Shelley C.P. School. The Councillor determined that his interest was prejudicial and would leave the meeting for the consideration of the item and voting thereon.

(b) Pursuant to the Council's Code of Member Conduct, Councillor K Wright declared a personal interest in item 5 (Venue for Future sub-Committee Meetings) of the agenda, by virtue of being a trustee of Great Stony Hall and a board member of Theatre Resource. The Councillor determined that his interest was prejudicial and would leave the meeting for the consideration of the item and voting thereon.

64. ANY OTHER BUSINESS

It was noted that there was no urgent business for consideration by the Sub-Committee.

65. FUTURE VENUE FOR SUB-COMMITTEE MEETINGS

The Sub-Committee considered a report on the future venue for meetings of the Sub-

Committee, as presented by the Head of Research and Democratic Services. As Councillor K Wright had previously declared a prejudicial interest for this item and had left the room, Councillor R Morgan took the Chair for the consideration of this item.

The Sub-Committee were reminded that at the meeting held on 19 January 2005, it had been resolved that alternative venues within Ongar be investigated for use by the Sub-Committee, but that if no other venue could be found then meetings should continue to be held at Shelley County Primary School. Following this, upon the recommendation of Councillor Jacobs, officers had visited Theatre Resources at Great Stony Hall in Ongar to examine the facilities available in Room 1. Generally, the facilities were considered by officers to be better than those available at the current venue, and the proposed location was considered easier to find due to its close proximity to the A414. It was also pointed out to the Sub-Committee that a lower charge for hire had been agreed with the proposed venue, and the proposed dates for meetings of the Sub-Committee in 2005/06 had been provisionally agreed. The current venue had been booked until the end of the 2004/05 municipal year, and that if the Sub-Committee agreed to change venue then it would not come into effect until the start of the 2005/06 municipal year.

An amendment was proposed and seconded that the Sub-Committee should hold its meetings in the Council Chamber at the Civic Offices in Epping from the 2005/06 municipal year onwards. The Head of Research and Democratic Services advised the Sub-Committee that Councillor K Wright should be brought back into the meeting for consideration of the amendment as he no longer had a prejudicial interest. The Sub-Committee accepted this advice and Councillor K Wright rejoined the meeting, although Councillor R Morgan remained in the Chair for the consideration of this item.

Some members felt that the Sub-Committee should remain within the local area, as this would generate greater attendance from members of the public. It was contended that the Sub-Committee served a far-flung geographical area that was mainly rural in character; Ongar was at the centre of this area and more of the public would be encouraged to attend meetings based at Ongar rather than Epping. It was the current policy of the Council for meetings of the Area Plans Sub-Committees to be held within the localities that they served; if the current venue was not considered suitable then an alternative venue should be sought within the area covered by the Sub-Committee, preferably within Ongar, and that meetings should not be held at the Council Chamber in Epping.

Other members were of the opinion that it would be better if the Sub-Committee met in the Council Chamber at Epping. A number of members stated that it would be easier for them to travel to Epping than it would to Ongar, and that in terms of public transport, Epping would be as equally accessible as Ongar for the public. It was argued that the Council Chamber would also be cheaper to utilise than any venue within the Ongar locality. It was also suggested that, with members of the public now entitled to speak at Sub-Committee meetings, attendance of the public would not decline if the Sub-Committee moved to the Civic Offices in Epping.

The Head of Research and Democratic Services reminded the Sub-Committee that if it was decided to hold future meetings at the Council Chamber then this would have to be ratified by the Council, as it would contradict the agreed Policy Framework. Following consideration of this item, Councillor D Kelly gave his apologies to the Chairman and left the meeting.

RESOLVED:

That, beginning with the first scheduled meeting of the 2005/06 municipal year, it be recommended to the Council for approval that future meetings of the Sub-Committee be held in the Council Chamber at the Civic Offices, Epping.

66. DEVELOPMENT CONTROL

The Sub-Committee considered a schedule of applications for planning permission.

RESOLVED:

That the planning applications numbered 1 - 5 be determined as set out in Annex 1 to these minutes.

67. DEVELOPMENT CONTROL – APPLICATIONS DETERMINED BY THE HEAD OF PLANNING AND ECONOMIC DEVELOPMENT

The Sub-Committee noted that schedules of planning applications determined by the Head of Planning and Economic Development under delegated authority since the last meeting had been circulated and could be inspected at the Civic Offices.

CHAIRMAN

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PLANS SUB COMMITTEE 'C'**16 MARCH 2005**

which is contrary to Government advice contained in PPG2 and is contrary to policies GB2 and GB7 of the adopted Local Plan and policies C1 and C2 of the Essex and Southend on Sea Replacement Structure Plan.

2. The development of this site in a location isolated from existing urban settlements would not be sustainable. The proposal is contrary to policies CS1, CS4 and CS5 of the Essex and Southend on Sea Replacement Structure Plan; and, policies CP1-CP5 of the Epping Forest District Local Plan Alterations First Deposit.
3. The proposals would result in the loss of a number of well established and mature poplar trees which make a valuable contribution to the visual amenities of the area and would therefore be contrary to policy LL10 of the adopted Local Plan.

4. **APPLICATION NO:** A/EPF/1558/04 **PARISH:** Ongar

SITE ADDRESS:

ECC Highways Depot, Epping Road, Ongar

DESCRIPTION OF PROPOSAL:

Erection of illuminated stack sign and six hoarding signs (revised application).

GRANTED SUBJECT TO:

1. The maximum luminance of the signs granted consent by this Notice shall not exceed 800 candelas per square metre.
2. The signage hereby approved shall be removed on the sale of the last property on the development.

5. **APPLICATION NO:** LB/EPF/2220/04 **PARISH** Sheering

SITE ADDRESS:

Chambers Farm, the Street, Sheering

DESCRIPTION OF PROPOSAL:

Grade II listed building application to remove concrete infill and beams on front elevation and return building to original appearance.

GRANTED SUBJECT TO:

1. To be commenced within 5 years.
2. No works shall commence until the applicant has submitted a scheme for the recording of the existing front timber frame for the written approval of the Local Planning Authority. A copy of this record is to be sent to the Local Planning Authority prior to completion of the works.

PLANS SUB COMMITTEE 'C'

16 MARCH 2005

3. Prior to the commencement of any works, the extent of historic infill panels shall be identified and measures agreed for its retention and for details of replacement infill panels. Such measures and necessary repairs to the structure shall be agreed in writing by the Local Planning Authority prior to the removal of any infill.
 4. Prior to commencement of works on site details of the lime plaster mix, finish and colour shall be submitted to and agreed by the Local Planning Authority in writing. Work shall then be carried out in accordance with these details.
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Report to Area Plans Sub-Committee 'C'



**Epping Forest
District Council**

Date of meeting: 13 April 2005.

Subject: Carisbrooke Farm, Kiln Road, North Weald – PL/131.

Officer contact for further information: Barry Land (01992 – 56 4110).

Democratic Services Officer: Gary Woodhall (01992 – 56 4470).

Recommendations:

To take no further action whilst Mr or Mrs Woolhead continue to occupy the site.

Report:

1. This matter was brought before Area Plans Sub Committee 'C' on 21 July 2004 who asked for legal advice before a decision is reached. A copy of the earlier report is attached at Appendix 1.
2. A full copy of Counsel's advice has been left in the Members Room for perusal together with a photograph of the mobile home and an aerial photograph of the site. Since the photographs were taken the hedges and trees have grown and the buildings are all but hidden, especially during the summer months.
3. In brief, Counsel concluded that because of the delay:
 - (a) a prosecution is unlikely to succeed or, if it were to be successful, would be unlikely to result in a large fine or the recovery of significant costs;
 - (b) injunction proceedings will be likely to be either unsuccessful or to result in a stay pending the submission of a planning application and/or appeal; but that further enforcement action could be envisaged if the case was considered afresh and to this end; and
 - (c) the Council should invite Mr and Mrs Woolhead to make a planning application and determine this before proceeding further.
4. In view of the delay in taking action, this matter has been ongoing since 1988 for the reasons explained in the earlier report, the prospect of a successful prosecution or injunction are poor. A full consideration of the planning merits of this development have not been considered recently, nor have the human rights of the Woolheads as of today, been taken into account. It is likely that any court would expect these matters to have been addressed before any action is to be taken.
5. Counsel has suggested that the Woolheads be invited to submit a planning application. This application would either enable the site to be regularised and allow for any conditions to be applied or result in a further refusal and appeal. Either way, the intention would be to take into account the applicant's human rights, age, health and future intentions. To meet these ends Counsel advised a visit to the site by a planning officer and an enforcement officer to advise on the application and suggest any alterations or landscaping, or perhaps the removal of items the Woolheads might undertake to improve the general layout and amenities of the area. It would also be an opportunity to gather background information to assist Members in their deliberations.

6. Should an application not be submitted or submitted and refused by the Council this effectively would draw a line in the sand and start a new chapter. The Council could then consider if it is expedient to enforce on the original enforcement notice to stop the unauthorised use.
7. There is however, another option that Members must consider. As the Woolheads have lived continuously since 1988 in their mobile home on the site (paying Council Tax since 1995), bearing in mind the Council's inactivity in pursuing any action against them during this period and the fact that the use has not been the cause of any complaints with the Woolhead family being considered part of the village, Members may take the view that no further action should be taken whilst Mr and Mrs Woolhead wish to remain living on this site. Mr and Mrs Woolhead have two grown up children in responsible occupations, living apart from them in their own houses. Taking no action would not result in the development becoming lawful since this is not possible with an extant enforcement notice in place.
8. The committee are reminded that there are a handful of traveller sites, particularly in Nazeing and Roydon, that the Council has decided to "tolerate" in the knowledge that the sites will not become lawful by default, are not intrusive and where there would be hardship if the families were forced to move out. Officers consider that Carisbrooke Farm could fall into this category.

Conclusion:

9. The options before committee are therefore:
 - (i) to seek prosecution for non-compliance with the enforcement notices, but with little prospect of success;
 - (ii) to invite the submission of a new planning application; or
 - (iii) to tolerate this development for the time being in all the circumstances of the case and in the knowledge that the development will not become lawful by default.
10. Officers advise that option (i) is not realistic for all the reasons set out in the report; and option (ii) would open the whole matter to renewed consideration, not just by the Council but also by appeal where the end result would not be in the Council's hands.
11. In this case, officers recommend option (iii).

11. PL/131

Site Address:
 Carisbrooke Farm,
 Kiln Road,
 North Weald,
 Essex,
 CM16 6AD

Date:

Description of breach of planning control.

1. Siting of mobile home with residential use
2. Storing of touring caravan
3. Siting of caravan for residential use
4. Erection of a conservatory/porch on mobile home.
5. Erection of garden shed.

Description of site.

The site consists of 2.5 acres of land served by Kiln Road, a single track unclassified road and is in an isolated position south of the railway with only three or four dwellings in the vicinity. A number of small buildings occupy the site, some built for agricultural use, some built during the war as munitions stores and defence purposes. The whole of this secluded area falls within the parish of Theydon Mount.

Relevant History

The land was purchased in 1984 by Patricia Woolhead and her husband Henry who used it for the storage and sorting of metal whilst they were living in Roydon. The following is a summary of the relevant planning history:

12.4.88	Enforcement notice re storing & sorting metal.	Issued
25.8.88	EPF/629/88 Application for siting of mobile home	Refused.
25.8.88	EPF/926/88 Use of building as workshop	Refused.
28.2.89	Enforcement notice re mobile home for residential use.	Issued
3.1.90	Appeal in respect of enforcement notice for mobile home lodged and dismissed.	
9.1.91	EPF/1437/90 Retention of mobile home	Refused
5.11.91	EPF/592/91 Caravan site for gypsy caravan	Refused
28.10.92	Appeal in respect of EPF/592/91 dismissed.	

Between the above dates Henry and Patricia Woolhead were reported for breach of the enforcement notice issued on 28.2.89 and appeared at Epping Magistrates Court on 2nd August 1991 for the offences of 1) Not taking steps to remove the mobile home and 2) Using the home. Both were fined £400.00 on each count with £100.00 costs. A further summons was issued against both for hearing on the 6th December 1991. Patricia Woolhead elected trial at Crown Court and after several adjournments Henry Woolhead was sent for trial, both appearing on the 24th June 1992 for non-removal of the mobile home and using it as a dwelling. Henry was fined £300 and £300, Patricia £150 and £150 and both ordered to pay £100 costs. The matter was further reported to Plans Sub Committee B on the 3rd April 1995 where other ancillary

developments (Items 2 – 6 in description) were reported. (See copy of Agenda attached).

Enforcement action was to be taken with the following time scales:

Twelve months to relocate the mobile home, three months to remove the storing caravan and three months to remove the porch, decking and shed. Enforcement notices were not served on the recommendation of Legal Department following advice from the Treasury Solicitor. As a result it is only the mobile home and arguably the decking and porch, that is covered by an Enforcement Notice but officers believe that the other caravan is still in situ and will have become established along with the garden shed.

The delay arises from the fact that Mr. Woolhead, on 16th February 1996, made an application (No.31219/96) to the European Commission of Human Rights in Strasbourg and legal advice was that it would be unwise to proceed until their decision was known. The European Commission sat on the 21st May 1997 and, in the event declared Mr. Woolhead's application inadmissible.

This result was not reported. It appears that no copy of the decision of the Commission was either sent and not received or not sent to the Council at all. A copy of the European Commission's decision was obtained at the behest of the Council's enforcement officers on 21st August 2001.

Following the belated receipt of the decision of the Commission enforcement officers visited the premises on the 18th November 2003 but were unable to gain access. Enquiries of the Land Registry show the owner as still to be Patricia Ann Woolhead.

On the 5th February 2004 officers again visited the premises and met Mr. Henry Woolhead and his daughter Patricia.

On the 7th June 2004 I visited the premises by appointment and saw Mrs Woolhead. I informed her that this report is going to be submitted to Planning Sub Committee C during June 2004.

She confirmed that only her and her husband, both being in their sixties, occupy the site and wish to do so for their remaining years. Mrs Woolhead confirmed she has been very ill during the previous twelve months and is in receipt of medication and makes regular hospital visits. This is likely to be an ongoing situation.

Mrs Woolhead also confirmed they would be willing to remove one of the caravans and a shed.

Relevant Policies

Epping Forest District Council Adopted Local Plan.

I 4	Enforcement Policy
GB 2	General Green Belt restraint
GB 5	Within the Green Belt the Council will refuse planning permission for non permanent dwellings including mobile homes and caravans, except as replacements within the existing residential caravan sites.
H.11	In determining applications for gypsy caravan sites within the Green Belt the Council will have regard to (1) whether there are any special circumstances which would justify an exception to the Green Belt policies of restraint, and (2) the impact on the openness of the Green Belt and the character and appearance of the countryside.
DBE2	Detrimental effect on existing and surrounding properties
DBE4	Development in Green Belt,
DBE9	The Council will require that a change or intensification of use does

Not result in an excessive loss of amenity for neighbouring Properties, the factors which will be taken into account are Visual impact, overlooking, loss of daylight, noise smell or other Disturbance.

LL2,10,11
T17

Landscaping
The Council will grant planning permission for development only when the proposal is well related to road hierarchy, is readily accessible by existing or potential public transport facilities, and will not be detrimental to highway safety.

Essex and Southend on Sea Replacement Structure Plan

CS 2	Protecting the natural and built environment
CS 4	Sustainable new development.
C1/C2	Metropolitan Green Belt
NR 1	Landscape conservation
NR 12	Protecting water resources
H 3	Location of residential development
H 6	Accommodation for gypsies

Background

The site is subject of three enforcement notices which have come into effect. This prohibits the use of the land for (i) the purpose of storing and sorting metal and electrical components, (ii) secondly storing, maintaining, repairing and spraying motor vehicles or parts thereof and lastly (iii) keeping a mobile home on the site and using it for human habitation.

A discussion with Mr Woolhead has provided the following relevant background. Mr. Woolhead is of Romany origins and was raised to a life of travelling which impaired his formal education. On their marriage, his wife, not being of Romany extraction or used to travelling, occupied a caravan on the same site as his parents at Dobbs Weir, some eight or nine miles from their present home. Being forced to vacate the site at Dobbs Weir which only had permission for one caravan they took up residence in a tied bungalow whilst working for a scrap metal dealer. This came to an end in 1988 when his employment ceased and occupancy was taken up at Carisbrooke Farm. All children of the marriage no longer reside with their parents who have occupied the site continuously since August 1988. Mr. Woolhead states that he no longer travels, there not being the work around the country, both are getting older and his wife has suffered severe illness for which she needs a permanent residence. He claims to have paid his council tax on both caravans from the start of his residence at the site and fully integrated into the local village life. There have been no recent objections to this use of land by the Woolheads.

Issues and considerations

This matter has been brought back before the Committee, both to update members on the decision made by the European Court in 1997 and to agree any future actions steps to be taken to bring this matter to a conclusion.

Breaches of planning control are still outstanding some of which exist in spite of extant enforcement notice. These breaches are as follows: the siting and living in a mobile home, to which has been added a conservatory, porch and some decking; the stationing of a caravan for human habitation for Mr. Woolhead's daughter; the storage of a touring caravan and erection of garden shed.

The committee may consider that despite the continuing breaches, further action is not in the public interest, particularly as even if the mobile home can be removed, the caravan can remain for residential use and the shed will stay. The Woolheads have been living here for 16 years and the site is kept in a clean and tidy condition with no industrial activities taking place. Although contrary to Green Belt policies, the site is well screened. The Woolheads are getting older and the Council could agree to them remaining on site in their old age, in the same way as occupation of another caravan in the vicinity was tolerated for some years, though now long gone. Should no further action be taken, the enforcement notices remain in place such that the mobile home cannot become established.

Alternatively, enforcement action to secure compliance with the enforcement notices could be recommended.

Should the Committee recommend this latter course our legal officer's recommendation is that Counsel's advice be sought first. The enforcement notices are extant and capable of enforcement. However the delay between the decision in May 1997 and notification to the Council is unfortunate and furthermore to return to the court relying upon an appeal decision of 1992 and when there has been no action since that time, would be risky.

There is a strong possibility that an abuse of process argument will be put forward by the defence in the event of legal proceedings, which if such an argument is successful could result in the case being dismissed and costs against the Council.

The Woolhead's rights are now covered by the Human Rights Act and they should be invited to submit any personal circumstances to the Committee. Members must then balance these Human Rights against the legitimate aim of enforcing proper planning control in the public interest and only authorise further enforcement action if they are satisfied, based upon the evidence available to them, it is necessary and proportionate in the circumstances. It should also be considered whether the legitimate aim of enforcing proper planning control in the public interests can be achieved by other means that interfere to a lesser degree with the Woolhead's Human Rights.

Counsel's advice may well be that new enforcement notices should be served, allowing a fresh appeal, where the present circumstances of the case together with Human Rights matters can be reconsidered.

Conclusion

The committee is asked to determine whether:

- a) no further action be taken; or
- b) enforcement action be continued with Counsel's advice.

the site should not particularly affect the residents of one village or hamlet. Thus, it is considered no condition restricting hours of use would be necessary, though obviously there would be no use of the facility in the hours of darkness.

The choice of approach roads also means that the proposal is not considered likely to result in highway problems and the scheme is considered acceptable in this respect by Essex County Council. Particularly with there being two motorways adjacent, it is important to ensure that balls are not likely to be hit off the course into the path of vehicles. The course has been designed to minimize this possibility and after some slight modifications is acceptable to the Department of Transport. No nets or other high fences which would intrude into the open character of the Green Belt would be necessary. The need to provide a "zone of protection" for the M25 means that the power lines alongside it are not affected by the scheme. This "zone of protection" is partially used to provide a bridle path for the stables at Hobbs Cross Farm, though it should be made clear that this will be merely for the stables, not a public facility.

The land is grade 3b agricultural land which is not the best and most versatile land. The Ministry of Agriculture Fisheries and Food does not object to its loss from agriculture.

There are two other schemes for "pay and play" golf courses submitted to the Council for planning permission in this vicinity. The Parish Council has requested that these three proposals be considered together, although the other two schemes are not in the Theydon Garnon Parish. Officers are not yet in a position to bring reports on the other two applications to Sub-committee, but it is considered that as there is no significant harm arising from this proposal it would be unreasonable not to deal with this application now.

OBSERVATIONS:-

PARISH COUNCIL - Feels area can only sustain one golf course and therefore this application must be looked at in conjunction with other two schemes submitted to the Council.

THEYDON BOIS AND DISTRICT RURAL PRESERVATION SOCIETY - Submitted plans are not very lucid and in particular not clear where access is to be created; Society is generally uneasy at the concept development of this nature could well lead to urbanisation of the Hobbs Cross hamlet in longer term; would generate increased traffic over unclassified roads in addition to traffic from Open Farm; for these reasons Society opposes application.

29. PL/131

Site Address

THEYDON MOUNT

Carisbrook Farm
Kiln Road

Mr & Mrs H Woolhead

Description of breach of control:

1. Storing of a touring caravan. *3 MONTHS*
2. Siting caravan for residential use. *12 MONTHS*
3. Erection of a conservatory/porch on mobile home.
4. Construction of wooden decked patio to mobile home. *3 MONTHS*
5. Erection of garden shed.

Description of Site:

2 1/2 acre site within the Metropolitan Green Belt.

Relevant History:

- 12.4.88 - Enforcement Notice re storing and sorting metal
- 25.8.88 - Application for mobile home EPF/629/88 - Refused
- 25.8.88 - Use of a building as workshop EPF/926/88 - Refused
- 28.2.89 - Enforcement Notice re mobile home for residential use - Appeal dismissed 3.1.90.
- 9.5.91 - Retention of mobile home - EPF/1437/90 - Refused
- 5.11.91 - Caravan site for gypsy caravan - EPF/592/91 - Refused - Appeal dismissed 28.10.92.

An appeal to the High Court resulted in the appeal being heard again. This was further dismissed on 12.1.95 and a further appeal to the High Court is pending.

Relevant Policies:

Enforcement Policy I4.

Issues, considerations and reasons for action:

It is recommended that these matters be dealt with before they become "established". At a site where the mobile home is judged unacceptable all these "supporting" buildings, development or caravans for touring or children (two of whom are grown up) is considered unacceptable.

Suggested period for compliance:

12 months. *Tom Dohy - re-appeal these months.*

It is therefore RECOMMENDED that ENFORCEMENT NOTICES be issued.

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<u>Ref.</u>	<u>EPF/...</u>	<u>Description</u>	<u>Site Address</u>
30.	EPF/11795	Change of use of public house to dwelling <i>Refused</i>	Green Man public house Mr Anderson

The application was discussed by the Committee at their meeting on 23 February 1995 when it was decided that the matter be deferred for further negotiations with the applicant.

The Committee were concerned that should this application be granted and implemented, the extant planning permission for a free-standing 11-bedroom block (EPF/118/91 - GRANTED 24 January 1992) could still be exercised, thus creating an anomalous situation in that two distinct planning units would be created and it was considered that in planning terms this would not be acceptable in this location.

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AREA PLANS SUB-COMMITTEE 'C'

13 April 2005

Schedule of Applications for consideration

Item Number	Application No.	Site	Page
1	EPF/217/05	Land adj. Greensted Hall, Greensted Road, Ongar	25
2	EPF/291/05	Little Tawney Hall Farm, Stapleford Tawney	29

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APPLICATION No: EPF/217/05

Report Item No: 1

SITE ADDRESS: LAND ADJ. TO GREENSTED HALL, GREENSTED ROAD, ONGAR
PARISH: Ongar

APPLICANT: Mrs E Webb

DESCRIPTION OF PROPOSAL:
Erection of stables and associated facilities.

RECOMMENDED DECISION: Grant Permission

1. To be commenced within 5 years.
2. Materials of construction to be agreed.
3. Erection of screen walls/fences.
4. Prior to the commencement of the development, details of the proposed surface materials for the arena shall be submitted to and approved by the Local Planning Authority. The agreed surface treatment shall be completed prior to the first use of the development.
5. The stables and arena hereby permitted shall only be used for the accommodation and riding of horses for private and domestic purposes and not for any commercial purposes including a livery stables or riding school.

Description of Proposal:

The proposed stables would be a maximum of 30.5m wide and 9.5m deep, and some 3.4m high to a pitched roof. They would be finished in timber, with a felt roof. The stables would comprise 4 looseboxes, a hay barn, tack room, feed store and general store, and would be used for private purposes only. The proposed arena would be sited adjacent to the stables and would be 40m wide by 20m deep. No details of surfacing materials for the arena are specified, but are usually sawdust or sand. It is proposed to use an adjacent field for grazing. The development would be located about 150m north of the cluster of buildings at Greenstead Hall, on the southern side of a field currently used for arable farming. Access to the development would be via an existing track, which is only partly metalled and during wet periods can be very muddy in places. Part of this track forms part of the Essex Way. There is a concrete hardstanding adjacent to the site of the proposed buildings.

Description of Site:

The application site lies in an isolated position in the green belt. It comprises a field currently under cultivation, some 150m to the north of Greenstead Hall. Its southern boundary is marked by a ditch and an established row of mature trees. The

field is less well screened in other directions, where there are open views across the rising surrounding countryside.

Relevant History:

None.

Policies Applied:

GB2 - Development in the Green Belt
RST4 - Horsekeeping
RST5 - Stables

Issues and Considerations:

The main issues in this application are the appropriateness of the development in the green belt, its impact on the character and appearance of the surrounding landscape, its highway safety implications, its impact on local ecology, open spaces and rights of way, and the welfare of the horses to be accommodated at the site.

Green Belt

Horserying can reasonably be said to fall within the general definition of outdoor participatory sport or recreation. Policy GB2 normally permits essential small-scale buildings associated with such uses in the green belt. The proposed stables includes just 4 looseboxes it also provides a generous amount of ancillary accommodation which makes it a structure of some significant size and bulk, that taken together with the proposed arena, cannot reasonably be said to be a small-scale facility.

However, the use of the adjacent field for grazing is unlikely to harm the green belt, and the stables and arena, although not small scale, would be sited in a secluded position, not readily visible from a public place. As such they would preserve the openness of the green belt in this location. Moreover, a development of this kind would not result in a significant encroachment into the countryside and therefore does not conflict with any of the purposes of including land in the green belt.

Therefore, it is considered that the development falls within sub-paragraph (iv) of policy GB2 and is appropriate in the green belt, in accordance with that policy.

Character and Appearance

As indicated above, the use of the field for grazing is unlikely to harm the character and appearance of the landscape. Moreover, the proposed stables and arena, although relatively large would not, because of their secluded location, have a significantly adverse impact on the surrounding countryside. In addition, the design and materials used for the stables are traditional and appropriate. No details are provided of any fencing at the site and it is considered that this should be the subject of condition in order to ensure that it has an appropriate scale and appearance. Therefore, it is considered that the development would not harm the character and

appearance of the surrounding landscape.

Highway Safety

The existing hardstanding near to the site of the proposed development would provide for adequate parking facilities for up to 4 cars. Moreover, the amount of horseriding likely to occur as a result of the development would be somewhat limited and as such, it is considered that it would not have a detrimental impact on highway safety on surrounding roads.

Ecology, Open Spaces and Rights Of Way

The adopted local plan proposals map show no public open spaces or sites of any ecological importance near to the proposed development. However, the Essex Way footpath runs close to the site. Given this and the limited amount of horseriding it will generate, it is considered that the development would not have any adverse impact on the management, ecology or public use of open spaces or rights of way.

Horse Welfare

The proposed grazing field has an area of some 3 hectares, which is considered reasonable for 4 horses. The proposed looseboxes would be some 4.2m by 4.2m internally, which meets the standards set out in paragraph 12.38 of the adopted local plan. Their pitched roof design means that their internal height does not meet the minimum requirement of 3.1m throughout, but it is considered that this shortfall alone is not sufficient to withhold planning permission. Therefore, it is considered that the development would not harm the welfare of the horses it would accommodate.

Having regard to the above, it is considered that the development complies with policies RST4 and RST5.

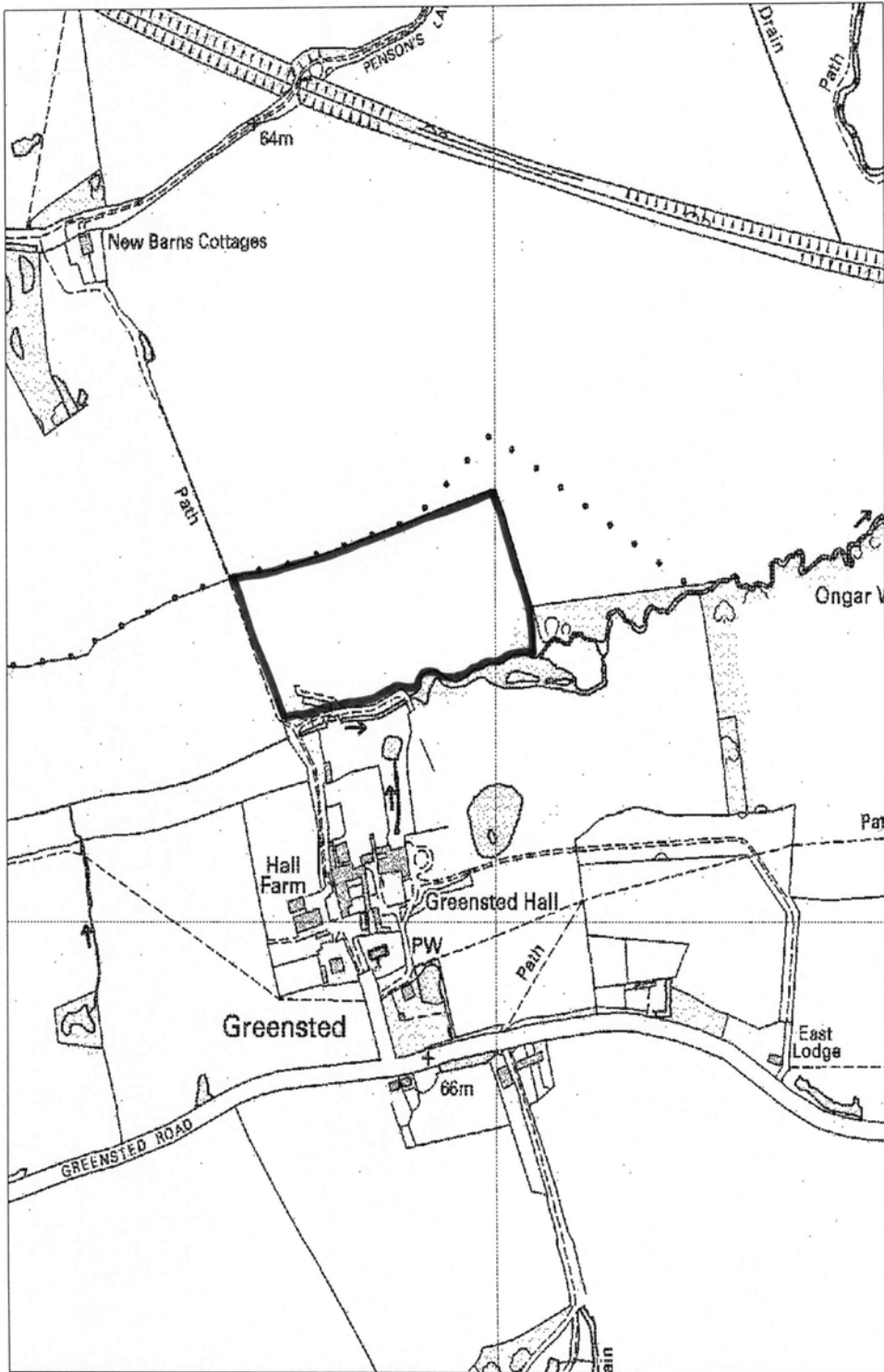
Conclusion

The provisions of the relevant local plan policies are met and approval is recommended.

SUMMARY OF REPRESENTATIONS:

PARISH COUNCIL - Object; this proposal is inappropriate development for a rural location.

GREENSTED HALL - Initially had concerns over access however have now had assurances that there will be no difficulty in this respect so confirm that I would be perfectly happy if the planning permission sought by Mrs. Webb was granted.



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APPLICATION No: EPF/291/05

Report Item No: 2

SITE ADDRESS: LITTLE TAWNEY HALL FARM, STAPLEFORD TAWNEY
PARISH: Stapleford Tawney

APPLICANT: R Padfield & Son

DESCRIPTION OF PROPOSAL:
Extension to existing barn to be used for hay and straw storage

RECOMMENDED DECISION: Grant Permission

1. To be commenced within 5 years.

Description of Proposal:

Erection of 3-sided timber boarded hay barn with profiled grey pitched roof. To be sited adjoining to similar recently constructed barn of similar size and appearance.

Description of Site:

The application site comprises a clustered group of farm buildings which include large barns, sheds and stables north of a Grade II listed farmhouse. Surrounded by open fields associated with the site, it is an isolated site located in the Metropolitan Green Belt, to the north of Stapleford Tawney Road.

Relevant History:

EPF/411/77 - Erection of steel framed cattle yard - Granted.
EPF/503/82 - Agricultural building for cattle housing - Granted.
EPF/721/83 - Extension to existing agricultural building - Granted 4/7/83
EPF/767/03 - Side extension on existing barn for hay and straw storage - Approved 25/7/03
EPF/526/04 - Cattle building to replace existing dilapidated timber cattle yards - Approved 7/5/04.

Relevant Policies:

Green Belt and Countryside policies of the Local Plan:-
GB2 - Appropriate buildings in the Green Belt.
GB11 - Criteria for agricultural buildings,
LL1 and LL2 - Protection of the countryside,
DBE4 - Buildings respect their wider setting.

Issues and Considerations:

The main issue in this case is whether the proposal is

appropriate in the Green Belt and whether this would unduly harm the character of the surrounding countryside.

The primary use of this site is for the keeping of livestock and the surrounding fields are used for grazing purposes and the growing of hay. The farm has expanded since 2001 with the addition of 60 more acres of land of rented permanent pasture and additional cattle.

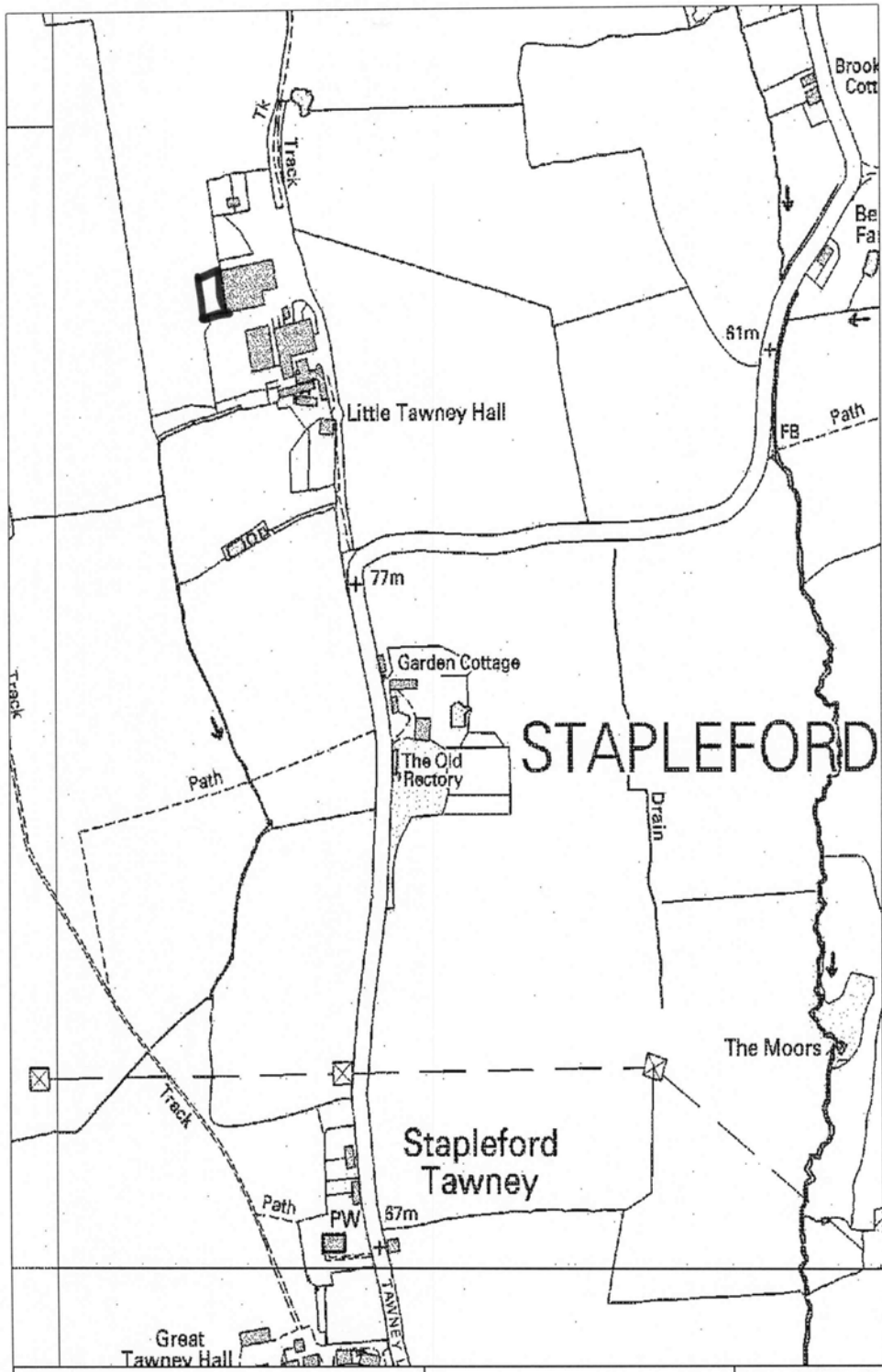
The primary function of the site is clearly livestock and the proposal will be associated with the farm. It therefore is appropriate development in the green belt commensurate with Policy GB2 of the Local Plan.

The siting of the building will be to the west of the cluster of farm buildings on the edge with fields beyond. It will continue the scale, height and appearance of the recent existing barn and be in keeping with the appearance of the rest of the farm buildings. Against the backdrop of existing buildings, it will have little impact upon the openness or character of the green belt or surrounding countryside. It will therefore comply with policies GB11, LL1, LL2 and DBE4 of the Local Plan.

The listed farmhouse is to the south and separated by other existing farm barns and buildings and the proposal is well away to not harm its setting.

The proposal complies with the policies of the Local Plan and is recommended for approval.

SUMMARY OF REPRESENTATIONS:
PARISH COUNCIL - No Objection.



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