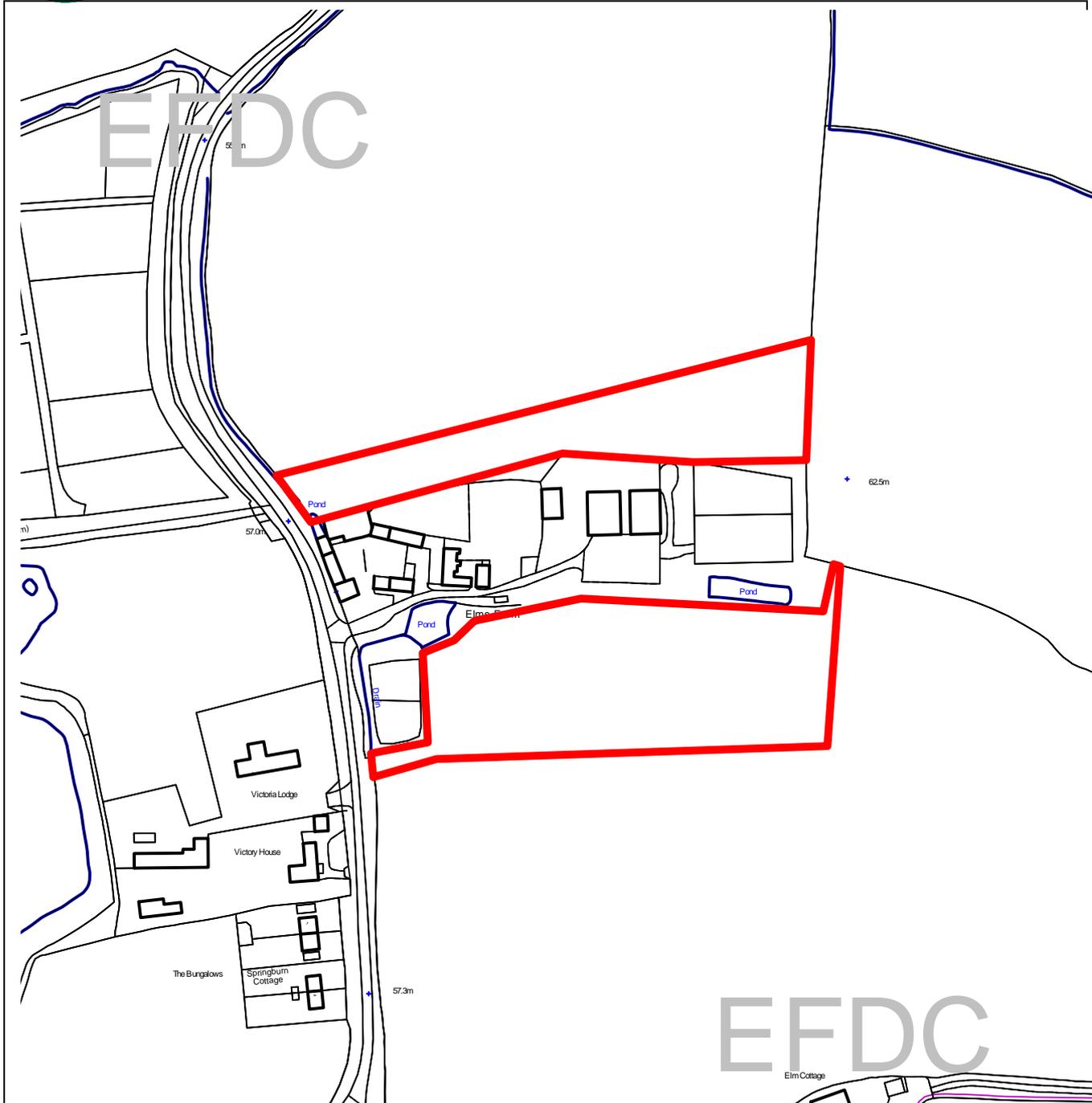




Epping Forest District Council



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Application Number:	EPF/3022/20
Site Name:	Elms Farm, Equine Livery Yard Waples Mill Road Abbess Beauchamp And Berners Roding CM5 0TE
Scale of Plot:	1:2500

Report Item No: 11

APPLICATION No:	EPF/3022/20
SITE ADDRESS:	Elms Farm, Equine Livery Yard Waples Mill Road Abess Beauchamp And Berners Roding Ongar CM5 0TE
PARISH:	The Rodings - Abess, Beauchamp and Berners
WARD:	High Ongar, Willingale and the Rodings
APPLICANT:	Mrs Catherine Beattie
DESCRIPTION OF PROPOSAL:	Re-submission of application for three livery yard mobile homes for two year temporary siting and associated additional grazing.
RECOMMENDED DECISION:	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=646297

CONDITIONS

- 1 The development hereby permitted will be completed and retained strictly in accordance with the approved drawings numbers: 1740-004 Rev A and 1905-001 Rev A
- 2 The use hereby permitted shall cease, the caravans together with any associated works shall be removed from the site and the land restored on or before 06 October 2023.
- 3 Within 3 months of the date of this permission, three single caravans shall be placed at the locations shown on the plans hereby approved. Any other caravan currently located within the site boundaries shall by this date be removed from the site. Thereafter, no further caravans shall be sited or stored within the site without prior consent from the Local Planning Authority.
- 4 The occupation of the caravans hereby approved shall be limited to a person solely or mainly working within the application site and to any resident dependants.

This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)).

Description of Site:

Elms Farm lies to the east side of Waples Mill Road to the north west of Willingale and south west of Berners Roding. The primary developed area extends west – east from the road in a roughly rectangular form. These are listed buildings to the front portion of the site comprising stables, the farmhouse and a single storey annexe behind. To the east, on higher ground lie an assortment of commercial buildings including two large industrial units and a range of smaller former farm

buildings with parking and turning areas including hard surfaces, and at the eastern end a manage and paddock for horses. South of access at the front of the site is a further paddock area screened by hedges. Some of the hard surface areas are rubbish strewn. There are a number of mobile homes on the site, some beyond useful life and a number of other minor outbuildings.

The site is surrounded on three sides by open fields, there is a limited ribbon of built development to the south west on the west side of the road but otherwise the site is in open country and the Green Belt. A public right of way runs along the northern part of the site

Description of Proposal:

The application follows two refused applications for similar works and proposes temporary retention of three mobile homes on the site for accommodation for stable staff, relocated from the previous application, and the creation of paddocks to the north and south of the built area on land previously used for agriculture, with associated fencing.

The paddock areas comprise around 0.7ha north of the buildings, and around 0.98ha to the south and are indicated as open paddocks for grazing, with a route through for access (although no hard surfaces are shown to be laid)

The mobile homes are relocated from the previous application, one lies to the north of the two large industrial buildings (as previous) and two are sited within a new paddock to the east of the site.

Relevant History:

- EPF/0818/09 Refurbishment of existing redundant farm stable buildings and change of use to an equine livery yard and creation of a manage – approved
- EPF/1420/10 Retention of mobile home for occupation by farm caretaker - refused
- EPF/2611/15 Change of use and alterations to steel framed barns including additional floor space, to a mixed use of B1 office, B2 General Industrial, B8 Storage, lambing unit and museum and erection of new building for associated learning centre. Approved subject to conditions, development around and within commercial floorspace at the eastern end of site.
- EPF/2020/17 Conversion of the existing wash house into ancillary accommodation to the main dwelling and LB consent EPF0205/17 – approved
- EPF/1083/18 Prior notification for proposed new grain stores and machinery stores as agricultural buildings – prior approval required and granted
- EPF/0925/19 Change of use of a new agricultural building to agricultural B1 & B2 – refused – impact on Green Belt and EFSAC
- EPF/2277/19 Change of Use from residential dwelling (C3) to offices (B1), and LB appn EPF/2289/19 – refused – loss of residential, impact on Listed Building, impact on EFSAC
- EPF/2336/19 Two year temporary consent for siting of 3 mobile homes on site – refused – impact on Green Belt and prominence of building on frontage
- EPF/0812/20 Change of use of agricultural land to grazing including sand based lunge pen – refused – impact on Green Belt and EFSAC, and lack of information

Policies Applied:

Adopted Local Plan:

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations

indicate otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

The following policies within the current Development Plan are considered to be of relevance to this application:

CP2	Protecting the quality of the rural and built environment
GB2A	Development in the Green Belt
GB5	Residential moorings and non-permanent dwellings
GB7A	Conspicuous development
GB17A	Agricultural, Horticultural and Forestry Workers dwellings
HC12	Development affecting the setting of Listed Buildings
NC1	SPA's, SAC's and SSSI's
RP4	Contaminated land
RST4	Horse Keeping
U3B	Sustainable Drainage Systems
DBE2	Effect on neighbouring properties
DBE9	Loss of Amenity
ST2	Accessibility to development
ST6	Vehicle parking

NPPF (July 2021):

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either;

- (a) approving development proposals that accord with an up-to-date development plan without delay; or
- (b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

In addition to paragraph 11, the following paragraphs of the NPPF are considered to be of relevance to this application:

11	Making effective use of land
13	Protecting Green Belt land
14	Meeting the challenge of climate change, flooding and coastal change
15	Conserving and enhancing the natural environment
16	Conserving and enhancing the historic environment

Epping Forest District Local Plan (Submission Version) 2017:

On 14 December 2017, the Council resolved to approve the Epping Forest District Local Plan (2011-2033) – Submission Version ("LPSV") for submission to the Secretary of State and the Council also resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

The Council submitted the LPSV for independent examination on 21 September 2018. The Inspector appointed to examine the LPSV ("the Local Plan Inspector") held examination hearings between 12 February and 11 June 2019. As part of the examination process, the Council has asked the Local Plan inspector to recommend modifications of the LPSV to enable its adoption.

During the examination hearings, a number of proposed Main Modifications of the LPSV were 'agreed' with the Inspector on the basis that they would be subject to public consultation in due course. Following completion of the hearings, in a letter dated 2 August 2019, the Inspector provided the Council with advice on the soundness and legal compliance of the LPSV ("the Inspector's Advice"). In that letter, the Inspector concluded that, at this stage, further Main Modifications (MMs) of the emerging Local Plan are required to enable its adoption and that, in some cases, additional work will need to be done by the Council to establish the precise form of the MMs.

Although the LPSV does not yet form part of the statutory development plan, when determining planning applications, the Council must have regard to the LPSV as material to the application under consideration. In accordance with paragraph 48 of the Framework, the LPAs "may give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given)."

Footnote 22 to paragraph 48 of the NPPF explains that where an emerging Local Plan is being examined under the transitional arrangements (set out in paragraph 214), as is the case for the LPSV, consistency should be tested against the previous version of the Framework published in March 2012.

As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional MMs, significant weight should be accorded to LPSV policies in accordance with paragraph 48 of Framework.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the advanced stage of the LPSV, all policies should be afforded significant weight:

No.	POLICY
SP1	Presumption in favour of sustainable development
SP6	Green Belt and District Open Land
SP7	The Natural Environment, landscape character and green infrastructure
T1	Sustainable transport choices
DM1	Habitat protection and improving biodiversity
DM2	Epping Forest SAC and Lee Valley SPA
DM3	Landscape Character, Ancient Landscapes and Geodiversity
DM4	Green Belt

DM5	Green and Blue Infrastructure
DM7	Heritage Assets
DM9	High Quality Design
DM15	Managing and reducing flood risk
DM16	Sustainable Drainage Systems
DM19	Sustainable water use
DM21	Local environmental impacts, pollution and land contamination
DM22	Air quality

Consultation Carried Out and Summary of Representations Received

Date of site visit: 20 May 2021
Number of neighbours consulted: Six
Site notice posted: No, not required
Responses received: Two response received from neighbours.

ELM COTTAGE - There are now and have been for some years two very substantial abandoned caravans on this same site. There are in addition three more caravans visible from our property together with a permanent assortment of abandoned vehicles, spoil tips and construction waste. The prospect of three more caravans in this already distressingly blighted prospect is to be resisted.

2 THE BUNGALOWS – Concerns that there are two derelict mobile homes on the site visible from the road, with additional buildings could give the impression of a mobile home park. Respondents have no objection to the renovation of the farmhouse but object to further commercial use and additional traffic, verges in the area have been damaged by delivery vehicles. Concerns are expressed at the erosion of the countryside and green belt areas. Comments are also made about noise from existing commercial uses on the site.

Parish Council: Abbess, Beauchamp and Berners Roding Parish Council have commented as under:

1. *In July 2020 EFDC refused permission for the siting of three mobile homes (EPF/2336/19) on the basis: "The proposed mobile homes constitute inappropriate development within the Green Belt." We are of the opinion the proposed siting of the two mobile homes on agricultural land clearly falls under this category and should be refused on the same basis. If the Planning Department does agree to the mobile homes being allowed to remain on a temporary basis, there should be space within the existing farm yard to site the units without causing a detrimental impact on the openness and appearance of the surrounding site.*
2. *With regard to the applicant's letter 26th March, the Parish Council is pleased to note the applicants will not attempt to remove the footpath as part of any proposed changes.*
3. *Further to the applicant's letter 26th March point 3 the Parish Council would politely point out to the applicant that in 2017 application EPF/0875/17 was refused for the siting of one mobile home for a period of twelve months. As far as we are aware this is still on site. In 2019 an application for three mobile homes for a period of two years was refused and again, as far as we are aware, these units are still on site. What guarantees are there that in the event temporary permission was granted that any mobile homes will be removed within a two-year time frame?*

Main Issues and Considerations:

The application contains two distinct elements – the introduction of grazing paddocks associated with the stables, and the temporary retention of mobile homes on the site in association with the stables.

In considering both elements, Members should note that the stables comprise a long established livery yard which houses 18 - 20 horses. The applicants submit that at present, there is little scope for horses to be grazed or exercised within the restricted area of the site and such activities take place on a more ad hoc basis, horses being taken along local roads and bridleways for exercise. The creation of the paddocks will allow such activities to take place without having to use the road network, and is preferential in terms of horse care and welfare as they can be left out for longer periods in safe conditions.

National planning policy would regard the provision of grazing paddocks for horses as an appropriate use in the Green Belt under the provisions of paragraph 149 b) of the NPPF. The works do not propose any buildings, simply the formation of paddocks with appropriate fencing, in the form of timber post and rail. Visually, the works will have a minimal impact on the character and openness of the site and surroundings. Surrounding land remains in agricultural use and the loss of these peripheral areas will not impact the viability and operation of the remainder for its primary purpose. The controversial aspect of the previous application (EPF/0812/20), the provision of a sand based lunge pen, is no longer included in the application. Thus, formation of grazing paddocks only is considered acceptable in this location.

As to the caravans, issues are more finely balanced. The applicants have submitted further information as to the need for a permanent staff presence to manage the stables. The nature of the stable activity is such that the operator is primarily responsible for the care of horses housed on the site, differing somewhat from other livery stables where owners simply rent the space and are responsible for the daily care of the animals. The site also caters for rescue and breeding horses. As such, it is argued that the character of the use is such that there is a welfare requirement for staff to be on the site 24 hours a day. At present, there is no permanent residential accommodation on the whole site.

Matters are impacted by ongoing issues with the listed building refurbishment. The applicants submit that this has been delayed by probate matters and a letter accompanying the application from the owners solicitor confirms that these matters have been resolved such that other matters can now proceed, however the pandemic has had an impact on the speed at which the listed building refurbishment works have been able to progress towards application stage. The current application again therefore seeks a 2 year temporary consent. An application for the conversion of the wash house to a separate dwelling has been submitted, but is currently invalid due to current requirements to prepare a Habitats Regulation Assessment.

Members previously refused permission for the caravans, in part because one was proposed to be located adjacent to the road and stables. While it is argued that this remains the best location in terms of site security and animal welfare, it is now proposed to relocate the caravan from the site frontage to an area at the rear of the site made up of scrubland and overspill storage along with one other, the third remains in a similar location, to the north edge of the commercial buildings. Again noting this is a temporary arrangement, these caravans will now not be visible from the road due to the site levels, rising initially from the road before levelling off the screen the location.

Officers have again assessed the submission and recognise a need for the lawful use as stables to be supported by an on-site presence. The availability of appropriate accommodation in the area is limited and discussions are ongoing over remedying this on a longer term basis. The current siting of the caravans, within the direct curtilage of the listed building, is unacceptable due to the harm it causes to that building in broad terms, and the availability of other locations is limited, due

to the operational needs of the other lawful commercial uses on the site. Progress with the proposals for a more permanent residential solution within the listed buildings should also provide reassurance that there is an emerging vision for the longer term.

In such circumstances, officers consider that a temporary approval would meet the test of 'very special circumstances' necessary to consider the temporary use in the Green Belt, particularly as its visual impact on openness and character is minimal.

Residents raise a number of issues in their comments not directly related to the application, around the general standard of maintenance and tidiness and noise from the separate commercial uses. Other powers exist to address these matters and they have no bearing on the merits of the current application. The Parish Council have also raised concerns at the possibility of a further application to be renew the consent in the future. This is a matter for determination at that time should a further application be submitted, although the considerations in this application as to the circumstances in which a temporary consent would be considered appropriate (specifically, the applicants assurances that two years will be sufficient to progress works to provide permanent accommodation on the site within the listed buildings) are unlikely to be the same if those assurances are not adhered to.

Conclusion:

In terms of the siting of the caravans, Members concerns appear to have been addressed in the removal of the more prominent structure to a less visible location towards the rear of the site, no longer visible from the road. Given the nature of the lawful use of the stables, officers accept there is a reasonable case for a presence on site in the interest of animal welfare. That a permanent solution to this remains some distance away is not entirely the applicants responsibility, external factors such as probate and the pandemic have slowed progress, although officers have seen progress through pre-application discussions, and submission of an application for the first stage of permanent works.

In the current circumstances, officers consider that a two year approval would result in limited harm to the Green Belt and would make allowance for the special and unique circumstances that arise in this case. In recommending approval however, an informative is also recommended to make clear the Council's position, as under:

In granting permission for a temporary two year period, the Council has given weight to the applicants case that a strategy for provision of permanent accommodation can be developed and implemented within the two year period. The Council see this strategy as including the return of the existing farmhouse to living accommodation. You are advised that it would be very unlikely that similar arguments would be given the same weight should an application to extend the period be submitted.

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: Ian Ansell
Direct Line Telephone Number: 01992 564481**

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk