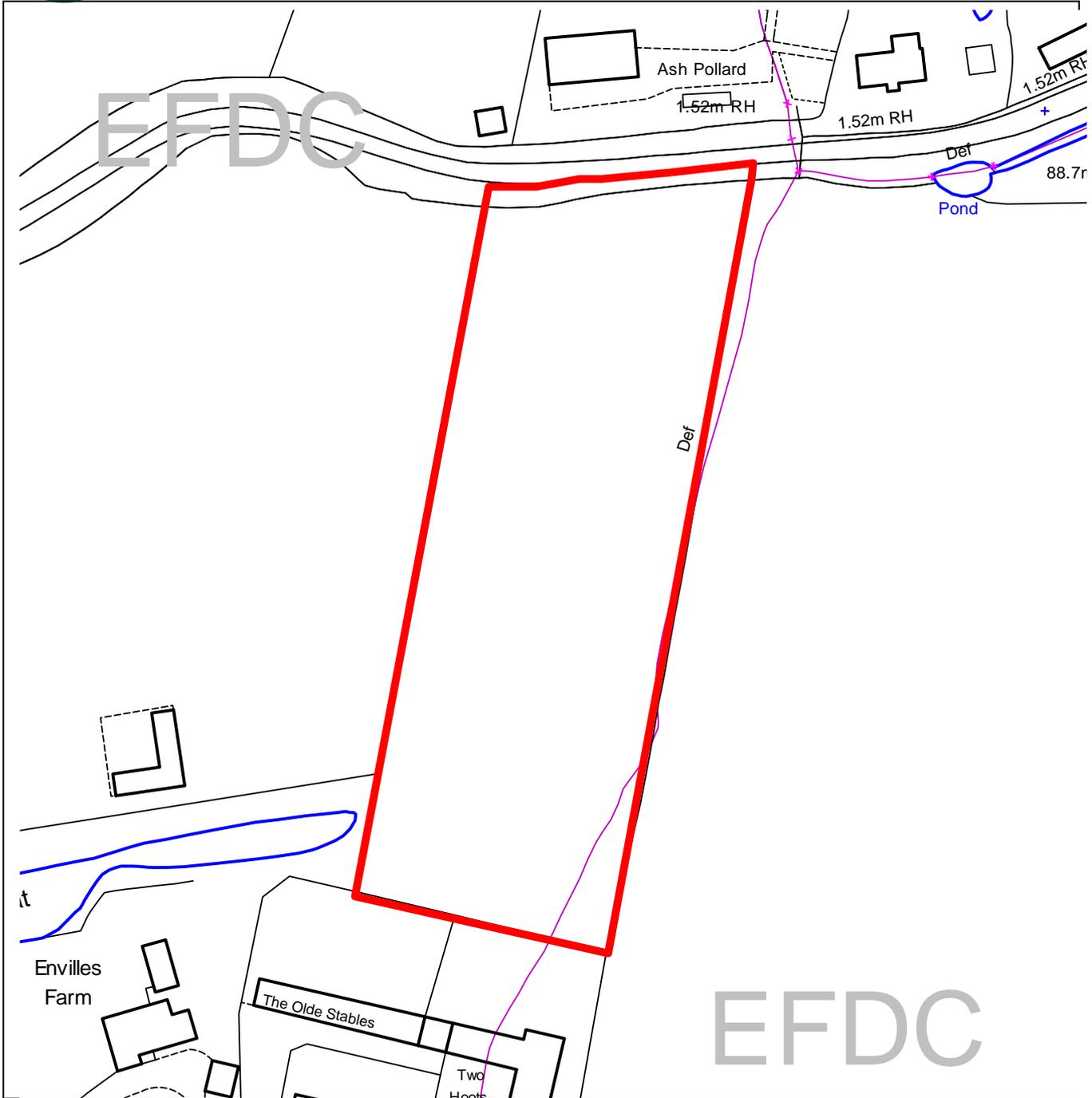




# Epping Forest District Council



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Application Number:	EPF/1403/18
Site Name:	Envilles Little Laver Ongar Essex CM5 0JH
Scale of Plot:	1:2500

**Report Item No: 9**

<b>APPLICATION No:</b>	EPF/1403/18
<b>SITE ADDRESS:</b>	Envilles Little Laver Ongar Essex CM5 0JH
<b>PARISH:</b>	Fyfield  Moreton, Bobbingworth and the Lavers
<b>WARD:</b>	Moreton and Fyfield
<b>APPLICANT:</b>	Mr J Donovan
<b>DESCRIPTION OF PROPOSAL:</b>	The development proposes the erection of a purpose-built agricultural building for use in association with chicken farming.
<b>RECOMMENDED DECISION:</b>	Grant Permission (Subject to Legal Agreement)

**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=609687](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=609687)

**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 drawing nos: Proposed site plan & block plan, Proposed Ground floor plan, Side elevations, Front and rear elevation & 3D views. Site location plan and block plan.
- 3 The building shall be used solely for the purposes of agricultural as defined in Section 336(1) of the Town and Country Planning Act 1990 and for no other purpose.
- 4 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.
- 6 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

7 Once no longer necessary for the purposes of agriculture, the building hereby approved shall be removed and the land shall be reinstated.

***And subject to the applicant first entering into a legal agreement under Section 106 to provide appropriate contributions towards management and monitoring measures on any adverse impact on the Epping Forest Special Area of Conservation with regard to air quality.***

*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) and since it is for a type of development that cannot be determined by Officers if five objections are received (or in cases where less than 5 were consulted, a majority of those consulted object) on grounds material to the planning merits of the proposal (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).*

### **Description of Site:**

The site currently comprises a farmhouse with land that extends to the north of the farmhouse and abuts Abbess Road. The farm had numerous outbuildings which have been converted into residential units and sold off.

Along the frontage of Abbess Road is a mature landscaped hedge. The character of the area is rural with scattered dwellings along the lane.

The application site is located within the boundaries of the Metropolitan Green Belt and it is not in a conservation area.

### **Description of Proposal:**

The proposal is for the erection of a purpose-built agricultural building for use for chicken farming measuring 18 metres deep, 9 metres wide with a shallow pitched roof comprising a ridge height of 6 metres. The building would have three bays and a mezzanine floor.

### **Relevant History:**

EPF/1338/16 Storage building replaced by three dwellings - Approved - 29/07/2016  
EPF/1532/14 - Barn conversion to dwelling - Approved - 21/08/2014  
EPF/1029/14 - Proposed stable block and ménage. - Approved - 02/7/2014  
EPF/0754/08 - Barn conversion to one dwelling n Approved - 11/06/2008  
EPF/1316/04 - Barn conversion to form to form three dwellings - Approved  
17/11/2004

### **Applied Policies**

#### **DEVELOPMENT 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).

Local Plan (1998) and Alterations (2006)

CP2 Protecting the Quality of the Rural and Built Environment

GB2A Development in the Green Belt

GB7A Conspicuous Development

GB11 Agricultural Buildings

DBE1 Design of new buildings

DBE9 Loss of amenity

DBE2 Effect on Neighbouring Properties

DBE4 Design in the Green Belt

LL1 Rural Landscape

LL4 Agricultural/Forestry related development

RP5A - Adverse environmental impacts

ST1: Location of development

ST2: Accessibility of Development

ST4 Road Safety

ST6 Vehicle Parking

NC1 SPA's, SAC's and SSS1's

NPPF, 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:

Paragraph 81 & 84

Paragraph 137- 138 and 147-149

Local Plan Submission Version (LPSV) (2017)

Although the LPSV does not currently form part of the statutory development plan for the district, on 14<sup>th</sup> December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- 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
- 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).

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019.

The appointed Inspector issued her initial advice on 2 August 2019 and since then, the Council has undertaken further work to address the actions identified by the Inspector. This has led to the production of a number of proposed changes to the Local Plan Submission Version 2017 (known as the Schedule of Main Modifications) and additional supporting documents associated with the Main Modifications. These are to address issues of soundness and/or legal compliance identified by the Inspector.

The Main Modifications include changes to some of the supporting text and Policies within the Plan, deletion and amendment to some site allocations, updated Housing Supply data to March 2020, along with associated changes to the mapping contained within the Plan.

The Main Modifications are put forward without prejudice to the Inspector's final conclusions on the Plan. Following the close of the consultation (ends 23<sup>rd</sup> September 2021), the representations will be passed to the Inspector for her consideration before the publication of the Inspector's final report.

The following policies in the LPSV are considered to be of relevance to the determination of this application:

<b>Policy</b>	<b>Weight Afforded</b>
SP1 - Presumption in Favour of Sustainable Development	Significant
DM4 - Green Belt	Significant
DM2 - Epping Forest SAC and the Lee Valley SPA	Significant
DM9 - High Quality Design	Significant
DM21- Local environmental impacts, pollution and land Contamination	Significant
DM22 - Change in air quality management area	Significant
T1 - Sustainable transport choices	Significant

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

The Parish Council - OBJECTION

- The applicant has failed to provide any evidence of the need for such a building in the context of farming chickens.
- The application is unclear in terms of what the agricultural barn is needed for (housing the chickens, housing machinery, the need for a mezzanine, etc) and as such the Parish Council is unable to fully consider the appropriateness of this proposal.

- The site is within the Green Belt, and on an area of designated agricultural and green belt land and sees no justified reason for the creation of any associated hard standing drive leading to this building.
- Concern is expressed that this may be exploitation of the current planning system which can allow the erection of agricultural buildings in the green belt, and subsequently the conversion of such agricultural buildings into habitable dwellings.

#### Site Notice Displayed

6 neighbours notified and 3 objections have been received although only one included an address.

- The Olde Stables, Envilles Barns - the field used to be wild grass now rented and looks a complete mess. The people renting the field have no respect for any neighbours.
- if permission is granted a change of use for residential will follow. The field is green belt and I believe it should remain as such with all the wildlife.
- It is a commercial enterprise. Size of the proposed development is not in proportion to its current use nor potential agricultural use in the future. The small parcel of land was partitioned off from the main field at Envilles Farm when it was sold. It is only 2 acres in size and not of sufficient scale for any commercially viable agriculture. This use does not require such a huge building. It is Greenbelt land and would be a significant development that is not required for agricultural purposes.
- The applicant has in the last 10 years developed the surrounding site from one house to what is now 6. He obtained planning permission last year to convert the large agricultural barn he owns at the back of the site currently used by the applicant for B8 industrial storage into three more dwellings bringing the total to 9.
- As part of this application the applicant stated that he '*no longer requires the storage space for personal use*' 12 months later, he is applying to build another barn on essentially the same site. To me, this seems part of a long-term plan to develop the site further in a piecemeal fashion.
- This is a small parcel of land close to 6 residential dwellings. The size of building is completely disproportionate to the stated intended use. You do not need a two-story barn of these dimensions to support the level of activity that is could be undertaken on such a small piece of land, and in particular in the stated use of chicken farming. The design will significant impact the visual amenity from neighbouring buildings. A smaller/single story barn would be much less intrusive and would seem much more proportionate to the agricultural need. The application does not justify why such a large building is required for the hobby farming of a few small livestock, what will it be used for, machinery to be stored.

#### **Main issues and Considerations:**

- Impact on the Green Belt
- Impact on the character and appearance of the surrounding area,
- Impact on neighbour's amenities
- Highway and Parking
- Environment Protection and Drainage
- Special Area of Conservation

#### **Appropriateness of the development on the Green Belt**

The proposal is for a purpose-built agricultural building to be used for accommodating chickens and would be sited in the Green Belt.

National Planning Policy Framework states that "*a local planning authority should regard the construction of new buildings as inappropriate in Green Belt*".

Paragraph 149 of the Framework states that new buildings in the green belt are inappropriate, with a number of exceptions. One of the exceptions are buildings for agriculture and forestry. Therefore, the proposal is not inappropriate development in the Green Belt and in principle is acceptable.

Of relevance are two Local Plan policies GB2A and GB11. The proposed development would constitute an agricultural building and use and by its very nature is not regarded as harmful either to the openness or the Green Belt or to the purposes of including land in the Green Belt and falls within the exception to inappropriate development as laid out in the National Framework and complies with Policy GB2A and GB7A of the adopted Local Plan and DM4 of the Local Plan Submission Version, 2017.

Policy GB11 of the adopted Local Plan relates to agricultural buildings and states that planning permission will be granted for agricultural buildings provided that the proposal meets the following requirements.

- (i) are demonstrably necessary for the purposes of agriculture within that unit;
- (ii) would not be detrimental to the character or appearance of the locality or to the amenities of nearby residents;
- (iii) would not have an unacceptable adverse effect on highway safety or, with regard to water quality and supply, any watercourse in the vicinity of the site;
- (iv) would not significantly threaten any sites of importance for nature conservation

In assessing the proposal against Policy GB11 the applicant has included an appeal decision in Harlow where the need for such a building did not form part of the inspector's assessment. However, it is important for the applicant to be able to demonstrate on the balance of probability that the objective test as to the building's being reasonably necessary for the purposes of agriculture within that unit has been met. The commercial viability of the agricultural unit may well be a factor in relation to this question, although viability might not be the determinative factor in the circumstances of a particular case.

At the moment the applicant has not commenced the chicken business, therefore viability is not an issue in this case. However, the applicant appears to be a long-standing farmer and the site forms part of an agricultural unit. Furthermore, the building appears to be for the function of rearing chickens. The applicant has in the past sold off a number of buildings close to the farmhouse for residential use and more recently has removed a storage building and replaced it with three dwellings.

The location of the storage building in close proximity to residential dwellings would not have been an alternative for a building to be used for accommodating chickens due to the potential noise and smells. Therefore, a purpose-built building remote from residential properties is a preferred location. The need for the building has therefore been demonstrated. The site is not located within or near any areas of nature conservation.

The proposed building is considered of an appropriate scale and form in association with and in context with its setting amongst other agricultural barns and therefore not considered incongruous or harmful to the character or appearance of the countryside. The barn is to be incorporated within an earth banking with native planting to help screen the development when viewed from the north boundary of the site. The planting proposed can be adequately dealt with by the imposition of appropriate landscaping conditions.

The proposal is not considered harmful to the character and appearance of the surrounding area and accords with Policy GB11 of the adopted Local Plan

#### Impact on Neighbouring Amenity

The location of the building is remote from neighbouring residential properties. In terms of the impact on the landscape, the building would be set in a field close to the lane. There is mature vegetation along the roadside frontage which would largely screen the building from public vantage points.

The Parish Council object on the grounds that the building and drive is not justified and there is no need for the creation of any associated hard standing drive leading to this building. The issue for the need for the building has been dealt with above. The need for the drive is required as vehicles can then enter/exit the site from the lane rather than construct a new drive south towards the farmhouse which would have more of an impact in the Green Belt. They have also raised concerns that the building would be converted into further dwellings can be dealt with by the imposition of a condition restricting the use of the building for agricultural purposes.

In terms of the neighbour objections part of them are historical. The issue of vermin would be dealt with by the environmental health department. Having regard to the nature of the proposed use and its surroundings, it is not considered that the size of the barn and the activities associated with such a use would give rise to any significant demonstrable harm to neighbour's amenity in the form of noise, disturbance or overbearing impact.

The main function of the barn is for agricultural purposes and appropriate conditions would be imposed at any approval ensuring that the building is only for agricultural use and for no other purposes. The proposal is sited at some distance from the nearest residential property and therefore not give rise to any significant impact on residential amenity in the surrounding area. Overall, the proposed use is considered to comply with the requirements of policies DBE9 and DM9 of the adopted Local Plan and emerging Local Plan.

#### Highway and Parking

From a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority subject to no unbound material to be used in the surface treatment of the vehicular access within 6 metres of the highway boundary to avoid displacement of loose material onto the highway in the interests of highway safety and in accordance with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policies ST4 & ST6 of the adopted Local Plan 1998 & 2006, Policy T1 of the Local Plan Submission Version 2017, and the NPPF 2021.

#### Environment Protection & Drainage

The Environment Protection team have no objection to the application in principle subject to the approval/implementation of the requirements as set out below above by this team. The applicant has no proposal to dispose of foul sewage, but the proposals will produce a slurry from the poultry. Further details are required to be submitted to the Local Planning Authority of the disposal of surface water and drainage prior to preliminary groundworks commencing in accordance with the appropriate policies which are considered reasonable and necessary.

#### Special Area of Conservation.

Assessment under the Conservation of Habitats and Species Regulations 2017 (as amended). A significant proportion of the Epping Forest Special Area of Conservation (the EFSAC) lies within the Epping Forest District Council administrative area. The Council has a duty under the

Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) to assess whether the development would have an adverse effect on the integrity of the EFSAC. In doing so the assessment is required to be undertaken having considered the development proposal both alone and in combination with other Plans and Projects, including with development proposed within the Epping Forest Local Plan Submission Version (LPSV).

The Council published a Habitats Regulations Assessment in January 2019 (the HRA 2019) to support the examination of the LPSV.

The screening stage of the HRA 2019 concludes that there are two Pathways of Impact whereby development within Epping Forest District is likely to result in significant effects on the EFSAC. The Pathways of Impact are disturbance from recreational activities arising from new residents (residential development only) and atmospheric pollution as a result of increased traffic using roads through the EFSAC (all development).

Whilst it is noted that the independent Inspector appointed to examine the LPSV, in her letter dated 2 August 2019, raised some concerns regarding the robustness of parts of the methodology underpinning the appropriate assessment HRA 2019, no issues were identified in relating to the screening of the LPSV or the Pathways of Impact identified.

Consequently, the Council, as competent authority under the Habitats Regulations, is satisfied that the Pathways of Impact to be assessed in relation to the likely significant effects of development on the EFSAC alone and in-combination with other plans and projects are:

1. Recreation activities arising from new residents (recreational pressures); and
2. Atmospheric pollution as a result of increased traffic using roads through the EFSAC.

As this application is for non-residential development it has been screened in relation to the atmospheric pollution Pathway of Impact only and concludes as follows:

1. The development has the potential to result in a net increase in traffic using roads through the EFSAC and therefore could have a likely significant effect on the EFSAC in relation to the atmospheric pollution impact pathway.
2. Having undertaken this first stage screening assessment and reached this conclusion there is a requirement to undertake an 'Appropriate Assessment' of the application proposal in relation to the atmospheric pollution Pathway of Impact.

Stage 2: 'Appropriate Assessment'

#### Atmospheric Pollution

The proposal has the potential to result in a net increase in traffic using roads through the EFSAC. However, the Council, through the development of an Interim Air Pollution Mitigation Strategy (IAPMS), has provided a strategic, district wide approach to mitigating air quality impacts on the EFSAC through the imposition of planning conditions and securing of financial contributions for the implementation of strategic mitigation measures and monitoring activities. Consequently, this application can be assessed within the context of the IAPMS. The applicant has agreed to make a financial contribution in accordance with the IAPMS.

In addition, the application will be subject to planning conditions to secure measures as identified in the IAPMS. Consequently, the Council is satisfied that the application proposal would not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions.

## **Conclusion**

The proposed agricultural barn has been supported by information regarding the requirement and need for the additional storage within the farm unit. The barn is considered to be both appropriate and necessary for the purposes of agriculture and therefore would not unduly harm the openness of the Green Belt. The design, scale and location of the proposed barn would ensure that there would be no detrimental harm to the character and appearance of the wider countryside setting or the amenities of nearby residents and as such it is considered that the proposal complies with the guidance contained within the NPPF and the relevant Local Plan policies.

In the light of the above considerations it is recommended that planning permission is approved subject to conditions and a Section 106 legal agreement to secure appropriate financial contributions to measures to mitigate potential impacts on air quality and for the management and monitoring of visitors to the Epping Forest Area of Conservation.

***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: Caroline Brown  
Direct Line Telephone Number: 01992 564182***

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