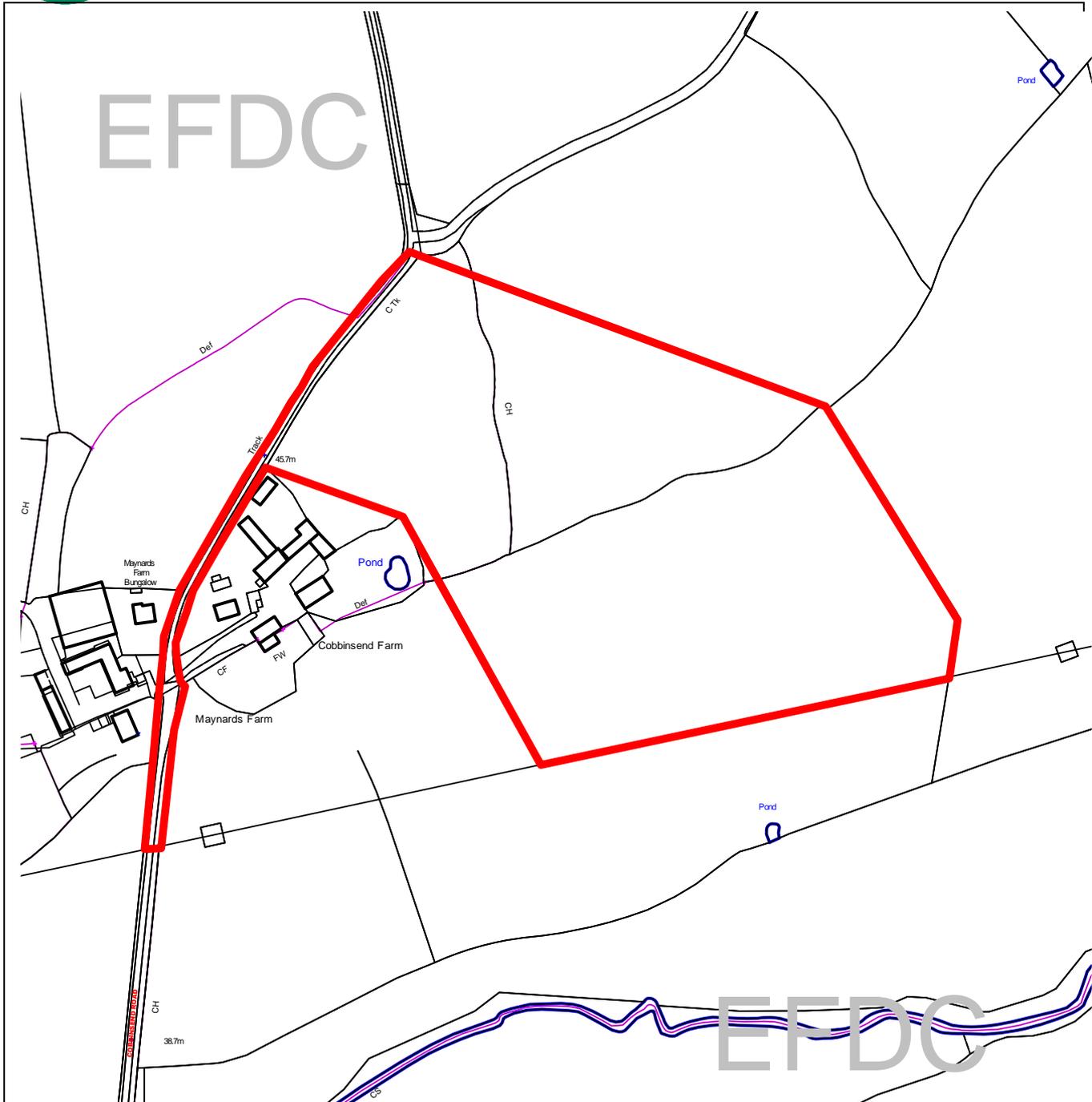




Epping Forest District Council



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Application Number:	EPF/1834/21
Site Name:	Cobbins End Farm Cobbinsend Road, Waltham Abbey EN9 2AA
Scale of Plot:	1:2500

Report Item No: 10

APPLICATION No:	EPF/1834/21
SITE ADDRESS:	Cobbins End Farm Cobbinsend Road Waltham Abbey EN9 2AA
PARISH:	Waltham Abbey
WARD:	Waltham Abbey High Beach Waltham Abbey North East
APPLICANT:	Mr Julian Williams
DESCRIPTION OF PROPOSAL:	Proposed conversion of agricultural buildings to x4 no. residential units.
RECOMMENDED DECISION:	Refuse Permission

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=654575

REASON FOR REFUSAL

- 1 The site is located within land designated as Metropolitan Green Belt where there is presumption against inappropriate development. The proposal due to the increase in site area; additional height; volume; hardstanding; design and inadequate access in comparison with that permitted by the prior approval application under reference EPF/2171/20 results in a development which is inappropriate development by definition, and which will fail to safeguard the countryside from encroachment. In addition, it is harmful to openness of the site and is detrimental to the visual appearance of the Green Belt. The development would therefore conflict with Chapter 13 of the National Planning Policy Framework, Policy GB2A and GB7A of the Epping Forest District Adopted Local Plan and Policy DM4 of the Submission Local Plan.
- 2 Having regard to the existing use and the additional traffic which this proposal will engender along Byway 94 Waltham Abbey, it is considered to be inadequate to cater for the proposed development while providing safety for all users owing to its single-track width, alignment and construction. A regular increase in use of the Byway will not only increase the propensity for vehicles to meet on the single track, resulting in vehicles having to perform adverse manoeuvres to find suitable passing places, but will also lead to conflict between horse riders, cyclists and pedestrians to the detriment of highway safety for all users of the Byway. Therefore, this proposal is contrary to policy ST4 of the adopted Local Plan 1998 & 2006 and Policy T1 of the Local Plan Submission Version 2017, and the NPPF 2021.
- 3 As far as can be determined from the submitted plans the applicant does not appear to control sufficient land to be able to provide the required visibility splays from the access onto the Byway, for the recorded speeds along it. The lack of such visibility would result in an unacceptable degree of hazard to the detriment of highway safety.

Therefore, this proposal is contrary to policy ST4 of the adopted Local Plan 1998 & 2006 and Policy T1 of the Local Plan Submission Version 2017, and the NPPF 2021.

- 4 In the absence of a completed Section 106 planning obligation, the development has failed to mitigate against the adverse impact it has and will have on the Epping Forest Special Area for Conservation in terms of air pollution. Failure to have secured such mitigation is contrary to policies CP1 and CP6 of the Adopted Local Plan and Alterations, policies DM2 and DM22 of the Submission Version Local Plan 2017 and the requirements of the Habitats Regulations 2017

This application is before this Committee since it has been 'called in' by Councillor T. Matthews (Pursuant to The Constitution Part 3: Part Three: Scheme of Delegation to Officers from Full Council)).

Description of Site:

The existing site covers an area of 3800 sqm and is comprised of a former dairy farm connected to the Locally Listed farmhouse to the west of the site. The site contains a number of farm buildings and barns associated with this use. The site is set slightly lower ~0.2 m than the associated house to the west. It slopes steeply in a south easterly direction. There is a pond located in the south eastern corner of the Site.

There is an existing access to the south west corner leading onto Cobbinsend Road.

The site is on land designated as Green Belt.

Description of Proposal:

Permission is sought for the conversion of agricultural buildings to x4 no. residential units.

Prior approval was given under reference EPF/2171/20 for the conversion of 4 agricultural buildings into residential accommodation.

This application seeks to amend the approved scheme so that:

- The site area is increased to 0.38 hectares
- Each dwelling is increased in size by 1 bedroom.
- Alterations are also proposed to the roof designs of barns 3 and 4.
- A new independent access taken off the adjoining lane is also proposed rather than passing the original farmhouse next to the site

The development will provide 1 x 2-bedroom, 2 x 3 bedroom and 1 x 4-bedroom detached houses with gardens.

Relevant History:

Reference	Description	Decision
EPF/2171/20	Prior approval for change of use of agricultural buildings to residential use.	Prior approval required and Granted
WHX/0100/49	Adaptation of stable into cowshed and the erection of a dairy annexe.	Granted

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).

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

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
CP3 – New development
CP6 – Achieving sustainable urban development patterns
CP9 – Sustainable transport
GB1 – Green Belt Boundary
GB2A - Development in the Green belt
GB7A- Conspicuous Development
RP4 – Contaminated land
H3A – Housing density
DBE1 – Design of new buildings
DBE4- Design in the Green Belt
DBE8 – Private amenity space
DBE9 – Loss of amenity
LL9 – Felling of preserved trees
LL10 – Adequacy of provision for landscape retention
LL11 – Landscaping schemes
ST1 – Location of development
ST4 – Road safety
ST6 – Vehicle parking
NC1 - SPAs, SACs and SSSIs
NC3 - Replacement of Lost Habitat
NC4 - Protection of established Habitat
NC5 – promotion of Nature Conservation Schemes

NATIONAL PLANNING POLICY FRAMEWORK (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.

EPHING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION (2017) (LPSV)

Although the LPSV does not currently form part of the statutory development plan for the district, on 14 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. On the 2nd August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her final conclusions.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the weight afforded by your officers in this particular case indicated:

SP1 - Presumption in Favour of Sustainable Development	Significant
SP2 - Spatial Development Strategy 2011-2033	Some
SP3 - Place Shaping	Significant
SP6 - Green Belt and District Open Land	Some
SP7 - The Natural Environment, Landscape Character and Green and Blue Infrastructure	Significant
H1 - Housing Mix and Accommodation Types	Some
T1 - Sustainable Transport Choices	Significant
DM1 - Habitat Protection and Improving Biodiversity	Significant
DM2 - Epping Forest SAC and the Lee Valley SPA	Significant
DM3 - Landscape Character, Ancient Landscapes and Geodiversity	Significant

DM4 - Green Belt	Significant
DM5 - Green and Blue Infrastructure	Significant
DM6 - Designated and Undesignated Open Spaces	Significant
DM7 - Heritage Assets	Significant
DM9 - High Quality Design	Significant
DM10 - Housing Design and Quality	Significant
DM11 - Waste Recycling Facilities on New Development	Significant
DM15 - Managing and Reducing Flood Risk	Significant
DM16 - Sustainable Drainage Systems	Significant
DM17 - Protecting and Enhancing Watercourses and Flood Defences	Significant
DM18 - On Site Management of Waste Water and Water Supply	Significant
DM19 - Sustainable Water Use	Significant
DM20 - Low Carbon and Renewable Energy	Significant
DM21 - Local Environmental Impacts, Pollution and Land Contamination	Significant
DM22 - Air Quality	Significant

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 6

Responses received: No response received from neighbours

PARISH COUNCIL: OBJECTION: The Committee were concerned that no comments from Essex Highways were included.

Main Issues and Considerations:

Green Belt

The NPPF states that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. It is for these reasons that there is a presumption against inappropriate development in the Green Belt.

Policy GB8A refers to the change of use or adaptations of buildings provided a number of criteria are met. This includes that the building is of permanent and substantial construction and that the

use would not have a materially greater impact than the present use on the Green Belt and the purpose of including land in it.

Paragraph 149 of the NPPF states that new buildings are inappropriate development subject to a number of exceptions. Paragraph 150 lists certain other forms of development that are not inappropriate provided they preserve the openness of the Green Belt.

In terms of Paragraph 149 of the Framework, criterion (c) permits the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

The proposal in this case seeks the erection of single storey extensions to the restored barns creating about 427 sqm of floorspace compared with 339 currently. This is a 21% increase.

However, building 3 and 4 will double in height to accommodate the extensions which will detract from their simple farm building configuration and would be visible from long views of the site, especially given the south easterly slope on the land in this location.

The site area has also doubled in size in comparison with the approved prior approval scheme resulting in the likelihood of additional domestic paraphernalia and more boundary treatment. It will also have an adverse impact on the visual amenity of the area as a result of the harm to the landscape.

The site falls within land designated as an ancient landscape and was assessed as part of the Epping Forest District Council Landscape Character Assessment by Chris Blandford Associates 2010. This document puts the site within the Upshire (F2) Landscape Character Assessment which describes the key characteristics to be: -

A series of farmsteads and small-scale linear roadside settlements contribute to settlement pattern;

- Patchwork of arable farmland and parkland, often containing frequent small to medium sized woodland blocks, which are key landscape features and frame views;
- Rows of electricity pylons often form tall vertical elements within views;
- A network of narrow lanes crosses the area, often lined with hedgerows containing hedgerow trees;
- There is a relatively strong sense of tranquillity and predominantly rural character throughout the area;
- Strongly undulating landform.

The proposal would be contrary to the suggested landscape planning guidelines made in the report. These include: -

- Conserve the predominantly rural character of this area and associated relatively strong sense of tranquillity;
- Conserve the landscape setting of Waltham Abbey to the south-west;
- Ensure that any new development within the farmland is small-scale, responding to historic settlement pattern, landscape setting and locally distinctive buildings styles;
- Maintain characteristic open and framed views across the area.

There is also an unnecessary bin store building and hammerhead, the development would only need one or the other. This hardstanding and structure will be visible from the public realm. The inclusion of both creates a lot of void space and increased hardstanding. Questions are therefore raised would this be a future development area.

These concerns together result in a scheme which as a consequence of its physical increase in height and volume which will be visible from long views resulting in serious harm to the openness of the site, loss of the positive visual subservient historic farm aesthetic and through the increased levels of activity generated by the larger scheme using a bridleway which is not of quality which could accommodate safely the additional traffic generated that this scheme will generate over and above the approved scheme, is therefore inappropriate development which is harmful to the openness of the Green Belt and will fail to assist in safeguarding the countryside from encroachment. It is therefore contrary to the requirements of the NPPG on Green Belt (July 2019), chapter 13 of the NPPF, GB2A, GB7A and GB8A of the adopted Local Plan along with DM4 of the Submission Version Local Plan.

My site visit confirmed that the existing frames of the structures labelled buildings 5 and 6 are derelict and therefore cannot be considered permanent and substantial.

Very special circumstances

Paragraph 144 of the NPPF requires that inappropriate development is by definition harmful to the Green Belt. It is for this reason that it would need to be demonstrated that there are very special circumstances which would clearly outweigh the harm to the Green Belt as a result of inappropriateness of the development and all other harms. The Council is unaware of any very special circumstances which would clearly outweigh the harm to the Green Belt.

Location Sustainability

Cobbins End Lane has no pavement and no street lighting. The site is over 4 miles from Epping and Broxbourne stations and 1.4 miles away from the nearest bus stop. There are also no footpaths along the route between the bus stop and the site. Given these distances, new occupiers will be dependent on cars for the majority of their journeys. The proposal is therefore not sustainably located. It is for this reason that any future application would need to design in factors which promote a low carbon future in accordance with chapter 14 of the NPPF and policies DM10, DM11, DM15, 16, DM18, DM19 DM20 and DM22 of the Submission Local Plan. However given the extant permission under prior approval refusal on these grounds cannot be justified.

Design

The surrounding context is predominately made up of open land and a locally listed farmhouse to the west. The nearest residential accommodation is currently located adjacent to the west of the Site boundary.

As stated above prior approval has already been given for the conversion of agricultural buildings into dwellings.

The front courtyard area is a car park. The car parking spaces proposed very close to the front elevations of the dwellings would result in real and perceived overlooking. There is mutual overlooking between the barns 1 and 2 with 4. Whilst the prior approval has already approved this relationship, the proposed extensions will result in a greater number of occupiers and therefore exacerbating this poor design.

The size and number of units in comparison to the size of the site is also not reflective of the existing spatial standards of this locality.

The proposal therefore falls short the quality of design required by the National Design Guide, chapter 12 of the NPPF, policies CP7 and DBE 1 of the Local Plan and SP3 and DM9 of the Submission Version Plan.

All units have an acceptable internal size and meet amenity space standards required by Policy DBE8 of the Local Plan.

Trees

The Tree Officer is satisfied that subject to conditions the proposal will not have an adverse impact on existing trees on the site and therefore the proposal accords with the requirements of policy LL10 and LL11 of the adopted Local Plan 2017.

Impact on neighbouring amenity

Whilst the proposal creates mutual overlooking for the proposed new dwellings, all other existing neighbours are sufficiently distant as to ensure that their living conditions will not be adversely affected in terms of light, outlook and privacy.

Highways

The Highway Authority have raised objections to the proposal as the "Byway is a shared surface highway over which the public is entitled to travel on foot, horseback or pedal cycle and by motorised vehicle of all kinds, including horse drawn vehicles. Although legally open to all vehicles, a Byway is used mainly by the public for walking or riding. A residential development of 4 dwellings, given the remote location, is likely to generate 20-24 vehicle movements a day, which is not considered to be an acceptable intensification commensurate with its leisure use as a Byway.

The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public rights and ease of passage over public Byway no. 94 Waltham Abbey shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way."

They also raise concerns that the applicant does not appear to "Control sufficient land to be able to provide the required visibility splays from the access onto the Byway, for the recorded speeds along it. The lack of such visibility would result in an unacceptable degree of hazard to the detriment of the highway."

The proposal is therefore harmful to highway safety and as a result is contrary to the requirements of policy ST4 of the Local Plan and T1 of the SVLP.

Archaeology

The Specialist Archaeologist's response states Cobbinsend Farm is a historic farmstead located on Cobbinsend Road. The farmstead lies opposite Maynards Farm which has been identified as having medieval origins (EHER48540). Some of the buildings proposed for conversion are evident on the first edition Ordnance Survey map of 1875. As original fabric, features and fittings are likely to survive within the buildings, it is important that a survey is undertaken to 'preserve by record' the buildings fabric prior to any conversion works or alterations taking place. A condition is therefore recommended which would look at investigating the possibility of archaeological remains being found within the site.

Flood Risk and Drainage

The submitted flood risk assessment was considered acceptable by the Land Drainage Team. No details of foul drainage are provided, and further details of surface water drainage are required. These matters can be controlled by condition.

Contaminated Land

The Contaminated Land Officer has reviewed this application and considers that “due to existence of asbestos containing materials there is the potential for contaminants to be present on site. In order to ensure that future occupiers are not put at risk from this contamination, he recommends that contamination mitigation conditions are attached to any permission in accordance with Paragraphs 120-124 of the NPPF and policy RP4 of the Local Plan (1998/2006).

Epping Forest Special Area of Conservation

In the absence of a completed Section 106 planning obligation, the development has failed to mitigate against the adverse impact it has and will have on the Epping Forest Special Area for Conservation in terms of air pollution. Failure to have secured such mitigation is contrary to policies CP1 and CP6 of the Adopted Local Plan and Alterations, policies DM2 and DM22 of the Submission Version Local Plan 2017 and the requirements of the Habitats Regulations 2017.

Ecology

The submitted Preliminary Ecological Appraisal by Tim Moya was carried out on 9th November 2020 found that

Since the site has the potential to shelter Great Crested Newts It recommends that

“The District Level Licencing (DLL) Scheme for Great Crested Newts is considered the most appropriate licencing strategy

...

Buildings B2, B4, B5 and B7 within the site were assessed as having potential for roosting bats.”

Further dusk-dawn surveys need to be carried out to meet the requirements of the S41 of the Natural Environment and Rural Communities Act, this issue could be dealt with as a pre-commencement condition.

Conclusion:

The proposal constitutes inappropriate development in the Green Belt as a consequence of its site area, physical increase in height and volume which will be visible from long views resulting in serious harm to the openness of the site, loss of the positive visual subservient historic farm aesthetic and through the increased levels of activity generated by the larger scheme whilst using a bridleway which is not of a quality which could accommodate safely the additional traffic generated over and above the scheme approved under the prior approval process which used the existing access.

The proposal will therefore create further urban sprawl which will increase encroachment into the open countryside in comparison to the extant permission on the site, it therefore conflicts with purposes of containing land within the Green Belt.

There are no very special circumstances sufficient to outweigh this and any other harm from the development identified above.

In the absence of a completed Section 106 planning obligation, the development has failed to mitigate against the adverse impact it has and will have on the Epping Forest Special Area for Conservation in terms of air pollution.

The proposal is therefore contrary to both national and local policy and as such refusal is recommended.

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: Sukhi Dhadwar
Direct Line Telephone Number: 01992 564597***

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