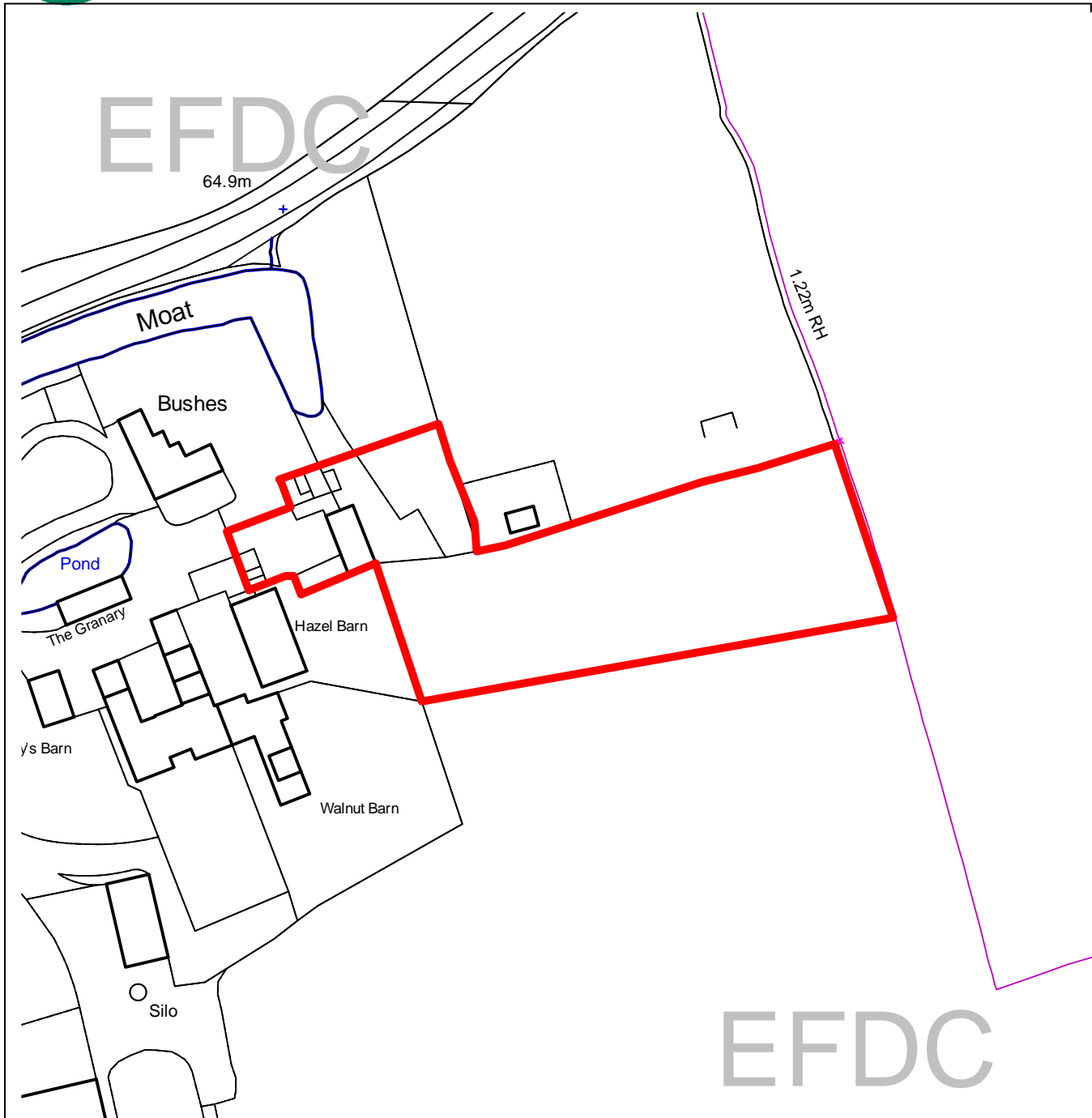




Epping Forest District Council



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Application Number:	EPF/1787/21
Site Name:	Buses Wind Hill, Magdalen Laver CM5 0DS
Scale of Plot:	1:1250

Report Item No:

APPLICATION No:	EPF/1787/21
SITE ADDRESS:	Bushes Wind Hill Magdalen Laver Ongar CM5 0DS
PARISH:	Moreton, Bobbingworth and the Lavers
WARD:	Moreton and Fyfield
APPLICANT:	Mr Rob Ellice
DESCRIPTION OF PROPOSAL:	Proposed alterations to existing buildings; provision of pool within courtyard; partial demolition of existing built form and in-line addition to enlarge existing ancillary residential annex; change of use of adjacent field to horse 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=654393

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 shall be carried out and retained strictly in accordance with the following approved plans: 2239; 2, 3, 4, 8a, 9, 10, 11a
- 3 Prior to preliminary ground works taking place, details of foul and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details, and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.
- 4 The extension hereby permitted shall only be used for purposes incidental to the residential use of the main dwelling, and shall not be used for any primary residential accommodation or commercial use.
- 5 No development shall take place until details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated from the ^IN; as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) The mitigation measures as approved under this condition shall be implemented in their entirety prior to the commencement of the use or first occupation of the development and retained as such thereafter.

To maintain reasonable levels of protection for the occupiers of the development from external noise and in accordance with policies RP5A and DBE9 of the adopted Local Plan and Alterations and policies DM9 and DM21 of the Local Plan Submission Version 2017, and the NPPF 2021.

- 6
- A) No work on any phase of the development (with the exception of demolition works where this is for the reason of making areas of the site available for site investigation), shall commence until an assessment of the risks posed by any contamination within that phase shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation. The assessment shall include:
- o A survey of the extent, scale and nature of contamination;
 - o An assessment of the potential risks to:
 - a) human health;
 - b) property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes;
 - c) adjoining land;
 - d) groundwater and surface waters;
 - e) ecological systems; and
 - f) archaeological sites and ancient monuments.
- B) If following the risk assessment unacceptable risks are identified from land affected by contamination in that phase, no work on any phase of the development shall take place, until a detailed land remediation scheme has been completed. The scheme will be submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. (The remediation scheme shall be sufficiently detailed and thorough to ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990). The development shall only be carried out in accordance with the approved scheme. Following the completion of the remediation works and prior to the first occupation of the development, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority)

This application is before this committee since the recommendation is for approval where at least 5 expressions of objections material to the planning merits of the proposal are received (or where less than five have been consulted, the majority of those have objected) (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)

Description of Site:

The application site is a single storey L – shaped building with associated courtyard area and an area of land sited East of the building. The application site is part of Bushes, which includes a two storey detached Grade II* Listed dwelling located off of Wind Hill in the rural location of Magdalen Laver. The site is not within a Conservation Area. The site is fully within the Metropolitan Green Belt.

Description of Proposal:

Proposed alterations to existing buildings; provision of pool within courtyard; partial demolition of existing built form and in-line addition to enlarge existing ancillary residential annex; change of use of adjacent field to horse grazing.

Relevant Site History:

EPF/1802/21 - Application for Grade II* Listed Building for proposed alterations to existing buildings; provision of pool within courtyard; partial demolition of existing built form and in-line addition to enlarge existing ancillary residential annex; change of use of adjacent field to horse grazing – (Still being considered)

EPF/2941/18 - Grade II* Listed Building application for sub-division of bedroom to form en-suite (12/03/2019) – Grant Permission (With Conditions)

EPF/0350/07 - Grade II* listed building application for the change of use and conversion of redundant agricultural curtilage buildings to three dwellings including the demolition of newer portal frame outbuildings as indicated. (14/05/2007) – Grant Permission (With Conditions)

EPF/0349/07 – Change of use and conversion of redundant agricultural buildings to three dwellings including the demolition of newer portal frame outbuildings as indicated. (14/05/2007) – Grant permission (With Conditions)

EPF/1813/05 - Grade II* listed building application for the change of use and conversion of redundant agricultural buildings to three (3) dwellings, demolition of newer portal frame outbuildings as indicated. (07/12/2005) – Grant Permission (With Conditions)

EPF/1472/05 - Change of use and conversion of redundant agricultural buildings to three (3) dwellings. (07/12/2005) – Grant Permission (With Conditions)

EPF/0416/00 - Listed building application for alterations and change of use of granary to 1 bed dwelling. (14/04/2000) – Grant Permission (With Conditions)

EPF/0415/00 – Change of use of granary to one bedroom dwelling (02/06/2000) – Grant Permission (With Conditions)

EPF/0237/00 - Extension of temporary planning permission for storage of two railway coaches. (24/03/2000) – Grant Permission

EPF/0228/99 - Certificate of lawfulness application for use of farm building for light vehicle mechanical repairs. (06/08/1999) – Lawful

EPO/0278/66 – Details of agricultural implement store (05/07/1966) – Grant Permission (With Conditions)

EPO/0339/62 – Proposed 2 pairs of agricultural cottages (02/10/1962) – Dismissed

Policies Applied:

Epping Forest Local Plan and Alterations (1998/2006)

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

CP1 – Achievable sustainable development objectives

CP2 – Protecting the Quality of the Rural and Built Environment

CP3 – New development

GB2A – Development in the Green Belt

GB7A – Conspicuous Development

ST1 – Location of Development

RST4 – Horse Keeping

RST5 - Stables

HC6 – Character, Appearance and Setting of Conservation Areas

HC7 - Development within Conservation Areas

HC10 – Works to Listed Buildings

Epping Forest District Local Plan (Submission Version) 2017

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

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).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed

below:

SP1 – Presumption in Favour of Sustainable Development
SP7 – The Natural Environment, Landscape Character and Green and Blue Infrastructure
DM3 – Landscape Character, Ancient Landscape, and Geodiversity
DM4 – Green Belt
DM7 – Heritage Assets
DM9- High Quality Design

Summary of Representation:

No. of neighbours consulted: 3, 2 Objections Received

HAZEL BARN: OBJECTION – concerns regarding impact on neighbouring amenity in relation to odour and noise. Concerns regarding contamination of the land and drainage issues. The introduction of stables would be unsuitable in this location.

MURRAYS BARN: OBJECTION – Introduction of stables unsuitable in this location. Concerns regarding impact on neighbouring amenity in relation to odour and noise. Concerns regarding land contamination. Concern relating to land drainage and the environmental impact caused as a result of the horse-keeping.

PARISH COUNCIL: Whilst the Parish Council has No Objection to this application, it asks that necessary consideration is given to possibility of contamination to the adjacent moat from the proposed use of the property as stabling for horses, being as the land is sloping towards the moat. If necessary, this Council asks that an appropriate condition be attached to any planning permission to provide protection from contamination to the neighbouring moat. In addition, due consideration should be given to the proximity of the proposed stables in relation to the neighbouring property with respect to any possible loss of amenity as a result of the stables being so close to the boundary.

Main Issues and Considerations:

The main issues to consider for the assessment of this application are as follows:

Development within the Green Belt
Suitability of development in relation to horse keeping/stabling
Impact on the living conditions of neighbours
Design
Land Drainage
Contaminated Land

Green Belt

The site lies within the Metropolitan Green Belt. The National Planning Policy Framework (2019) indicates that the Government attaches great importance to Green Belts. 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.

The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should be refused planning permission unless very special circumstances can be demonstrated which clearly outweigh this harm. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of

use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

- c) 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;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

The NPPF also emphasises that when considering an application, a Local Planning Authority should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.

The extensions to the building would not pose any concerns regarding inappropriate development within the Green Belt, however, part of the development proposal seeks to create two stables for horse-keeping and change the use of the open land sited to the east for the purposes of horse grazing. One of the exceptions stated above allows for the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The correct test therefore is to ascertain whether this is the case.

According to the British Horse Society (2021), it is recommended that a ratio of 0.4 – 0.6 hectares of permanent grazing per horse is provided and, in regard to stable size, the minimum dimensions for horses are 3.65m (depth) x 3.65m (width). The land provided for grazing as part of this application would measure approximately 0.93 hectares in area. The stables would have a depth of approximately 5.2 metres and a width of approximately 3.9 metres. It is considered that on this basis that the proposal would provide appropriate facilities for outdoor recreation and would therefore not represent inappropriate development within the Green Belt.

Suitability of development for stables

Policy RST4 of the Adopted Local Plan and Alterations (2006) states that the use of land for the keeping of horses or ponies for domestic or commercial use (other than agricultural) will be permitted provided that... the amount of land is adequate for the welfare requirements of the number of horses intended to use it. Policy RST5 of the same document states that stables will be permitted provided that... they are of a size adequate to meet the welfare requirements of the number of horses intended to use them.

As stated above, the minimum dimensions recommended for stable size are 3.65m (depth) x 3.65m (width). The stables would have a depth of approximately 5.2 metres and a width of approximately 3.9 metres. The stables would be acceptable and would be in accordance with Policy RST5 of the Adopted Local Plan and Alterations 2006.

Impact on Living Conditions of Neighbours

Neighbours have objected to the proposal in relation to the impact the development would have on their living conditions in respect of noise disturbance and odour.

The Council's safer communities team were consulted as part of this application and have no objections to the proposal, stating that the concerns raised can be adequately controlled via condition, as well as suggesting that the stables, gym and pool area be restricted to domestic use only.

The proposal would not cause harm to the living conditions of neighbours in regard to loss of light, loss of outlook or loss of privacy.

Design

The Council's Heritage and Conservation Team were consulted on the application and stated the following:

Bushes Farmhouse is a grade II listed farmhouse of early 16th century origins and extended in the 17th century; it is a moated site. The farmhouse stands at two storeys, is timber framed and plastered with the frame exposed, and roofed with handmade red clay tiles. Bushes was once part of a substantial historic farm complex with a large number of agricultural and service buildings; the majority of these are considered to be curtilage listed by virtue of their age and their associated use and ownership with the listed building. Many of these outbuildings have been converted into residential use except for the range to the south-east, which remains the only outbuildings of ancillary use to Bushes Farmhouse and are the subject of this application.*

The current scheme is considered to have addressed the concerns previously raised. As designed, the extension will relate well to the existing outbuilding; proposing a simple and traditional building and roof form and retaining the courtyard layout. The proposed design approach should also help to preserve the original functional character of the outbuildings in concentrating most of the domestic paraphernalia (swimming pool, opening, light spill, outdoor furniture) within the inner courtyard and therefore the rural/agricultural setting of the listed farmhouse.

The design of the proposal is considered acceptable and appropriate to the setting of a Grade II Listed Building.*

Land Drainage

Neighbours have objected to the proposal with concerns relating to the drainage issues that would arise from the development onsite. The Council's Land Drainage team were consulted on the application and stated that they have no objection to the development in principle subject to adequate conditions which would suitably manage their requirements.

Contaminated Land

Neighbours have objected to the proposal with concerns relating to issues surrounding contaminated land that may arise from the development onsite. The Council's Contaminated Land team have been consulted on the application and have no objection in principle subject to conditions.

Conclusion:

Following the revisions made by the applicants, it is considered that the proposal would be acceptable and is recommended approval subject to conditions.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

Planning Application Case Officer: Alastair Prince
Direct Line Telephone Number: 01992 564462

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

