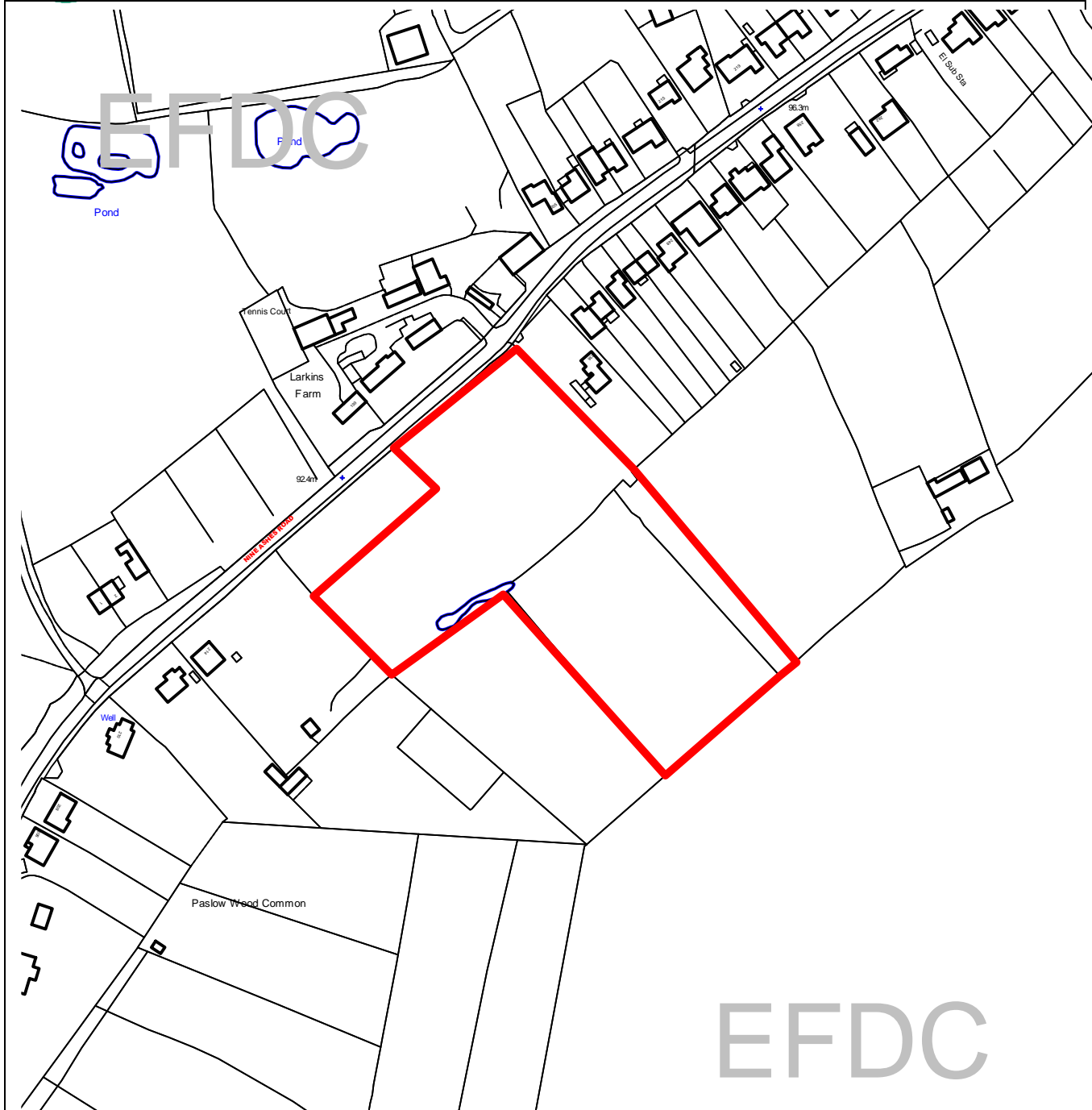




Epping Forest District Council



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Application Number:	EPF/0492/22
Site Name:	Land to South of Nine Ashes Road Nine Ashes, Ingatestone CM4 0JY
Scale of Plot:	1:2500

Report Item No: 10

APPLICATION No:	EPF/0492/22
SITE ADDRESS:	Land to South of Nine Ashes Road Nine Ashes Ingatestone CM4 0JY
PARISH:	High Ongar
WARD:	High Ongar, Willingale and the Rodings
APPLICANT:	Mrs Melanie Bingham-Wallis
DESCRIPTION OF PROPOSAL:	Change of use of land: agricultural field to dog walking field (Sui Generis)
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=663773

CONDITIONS

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: Location Plan, Block Plan, Proposed Site Plan, Fencing and Parking Plan, Field Shelter & Fencing Plan, Steel Mesh Gate Plan, Wooden Gate Plan, and 0194-0100 Rev P01.
3. The use hereby permitted shall only be open to customers between the hours of 08:00 and 19:00 daily in summer, and 08:00 and 16:00 daily in winter. All customers must have booked in advance of any exercise visit. A booking slot shall last 55 minutes, and a 5-minute gap must be left between booking slots. No more than two customers and six dogs shall be exceeded at any time.
4. Upon cessation of the use hereby permitted all materials, structures and equipment brought on to the premises in connection with the use shall be removed from the site.
5. No external lighting shall be installed on the site at any time.
6. Prior to first use of the proposed development hereby permitted, the access arrangements and other associated works, including the visibility splays, as shown on drawing titled 'Visibility Splays for Existing Field Access' no. 0194 -0100 Rev P01, shall be fully implemented and retained as such for the duration of the proposal.
7. Prior to first use of the proposed development hereby permitted, the vehicle parking and turning areas, as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained as such for the duration of the proposal.

8. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
9. 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.
10. Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.

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).

Site and Surroundings

Nine Ashes Road consists of ribbon development of residential dwellings on both sides of the road. The proposed site is of an open parcel of land, located to the South eastern end of the road, in between 214 and 236 Nine Ashes Road and directly opposite the Grade II listed Nines Ashes Stud Farmhouse and Barn.

It is not within a conservation area, although it is within the Metropolitan Green Belt.

Proposal

The application is for the change of use of land from an agricultural field to a secure dog walking field (Sui Generis) with associated parking and fencing.

The site is a piece of land approximately 1.5 hectares, proposed to be used as a dog walking field. There is an existing vehicle access from the highway. The fields would be enclosed by 1.8m fencing to keep dogs from roaming other than in the exercise fields, with each field having a towable timber field shelter that will be towed around the field from location to location to provide shelter for users of the field and their dogs in unsuitable weather conditions.

An annual crop of hay will be harvested from the land alongside the dog walking use.

No floodlighting is proposed.

6 Parking spaces are proposed.

N.B: An additional visibility plan was supplied to address the concerns raised by the Highways Officer, however, given the changes were minimal, it was not necessary to reconsult all parties on the additional plan.

Relevant Planning History

EPF/1137/18 - Erection of 8 affordable dwellings, 3 market dwellings, creation of new vehicular access, and associated works - Refused

Development Plan Context

Local Plan & Alterations 1998 & 2006 (LP)

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:

GB2A	Development in the Green Belt
GB7A	Conspicuous Development
ST4	Road Safety
ST6	Vehicle Parking
DBE9	Neighbouring Amenities

National Planning Policy Framework 2021 (Framework)

The Framework 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:

Paragraphs	137, 147 - 150
Paragraph	180

Epping 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 14th 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.

Following the Examination Hearing Sessions for the emerging Local Plan, the Council has prepared a number of changes, known as Main Modifications, to the Epping Forest District Local Plan Submission Version (2017) to address issues of soundness and/or legal compliance identified by the Inspector. These are put forward without prejudice to the Inspector's final conclusions on the Plan.

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 Main Modifications, the **highest weight** should be afforded to LPSV policies in accordance with paragraph 48 of Framework. The following policies below are relevant to the determination of this application;

DM4	Green Belt
DM9	High Quality Design
T1	Sustainable Transport Options

Summary of Representations

Number of neighbours Consulted: 6. 13 response(s) received
Site notice posted: Yes.

MULTIPLE OBJECTIONS RECEIVED – Summarised as:

- Noise & General disturbance;
- Loss of wildlife;
- Highway safety/Parking concerns; and
- Out of character with area.

HIGH ONGAR PARISH COUNCIL – Objection on loss of visual amenity and highways access to site, and we understand there is a badger sett on the site, and risk of dogs escaping from the site. We do not believe it is a valuable addition to the local community bearing in mind the number of footpaths and bridleways.

Planning Considerations

The main issues for consideration in this case are;

- a) The impact on the Green Belt;
- b) The impact on neighbouring amenities, with particular regards to noise & general disturbance; and
- c) Highway safety and parking provision.

Green Belt

Material changes in the use of land are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. The change of use of land to a dog walking field as proposed is for outdoor sport/recreation purposes. Therefore, it is necessary to assess whether the proposals harm the openness of the Green Belt, or conflict with the purposes of including land within it.

A fundamental aim of Green Belt policy, as set out in the Framework, is to keep land permanently open. Openness can be considered as meaning an absence of built or urbanising development.

The site would comprise of a large field, with fencing surrounding it, which would not be solid or close boarded fencing. The proposals would entail no physical works to the field, except for mowing & the 2 proposed field shelters, and in that regard that would have no material effect on openness.

It is proposed that booking will be required to utilise the facility, in hourly slots, of which 55 minutes would be for exercise, and the remaining 5 minutes to be used to ensure customers did not attend and leave at the same time. Bookings would be for a maximum of one car & user, (a user is defined as a single household or a group of friends, with and a maximum of three dogs per user). Such comings and goings, and the parking of vehicles, could give rise to visual impact, which in turn would affect openness.

However, the field could reasonably be used for the grazing of animals on a permanent or regular basis. The vehicle movements associated with the proposal would be similar to the movements associated with the agricultural use as the use of land for livestock could entail a number of daily visits at various times and would involve vehicles or agricultural machinery.

On balance, therefore, the use of the site for dog walking purposes would preserve the openness of the Green Belt.

Impact on Neighbours

Whilst there have been concerns regarding noise from the proposed use, however, this is a matter that can be controlled via a suitably worded condition limiting the operating hours and the total number of dogs allowed to use the fields at any one time.

Highway safety and parking provision

The Highways Authority have no objections to the proposed use or the vehicle crossover subject to the impositions of conditions as part of the consent.

Conclusion

Paragraph 84 of the Framework seeks to support the sustainable growth of all types of business and enterprise in rural areas. The proposals are entirely consistent with the Framework in this regard.

The development, in terms of changing the use for the walking of dogs, is not inappropriate development in the Green Belt. There would not be an adverse impact on neighbouring properties as a result of the proposals and satisfactory parking has been provided on site. The access to the development would not compromise highway safety. The design and form of the development would be in character with the area which is open and rural in appearance.

For the reasons set out above, having regard to all matters raised, it is recommended that conditional planning permission be granted.

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: Muhammad Rahman on 01992 564415 or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk