

Report Item No: 1

APPLICATION No:	EPF/0917/10
SITE ADDRESS:	64 Morgan Crescent Theydon Bois Epping Essex CM16 7DX
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Mr William T Barritt
DESCRIPTION OF PROPOSAL:	Two storey side extension together with new vehicular access and crossing. (Revised application.)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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 Materials to be used for the external finishes of the proposed extension, shall match those of the existing building.
- 3 The development, including site clearance, must not commence until a tree protection plan, to include all the relevant details of tree protection has been submitted to the Local Planning Authority and approved in writing.

The statement must include a plan showing the area to be protected and fencing in accordance with the relevant British Standard (Trees in Relation to Construction-Recommendations; BS.5837:2005). It must also specify any other means needed to ensure that all of the trees to be retained will not be harmed during the development, including by damage to their root system, directly or indirectly.

The statement must explain how the protection will be implemented, including responsibility for site supervision, control and liaison with the LPA.

The trees must be protected in accordance with the agreed statement throughout the period of development, unless the Local Planning Authority has given its prior written consent to any variation.

This application is before this Committee since the recommendation differs from the views of the local council (pursuant to section P4, schedule A (g) of the Councils delegated functions).

Description of Proposal:

Two storey side extension together with new vehicular access and crossing (Revised application).

Description of Site:

A semi detached two-storey house on the corner of Morgan Crescent and Woodland Way. The design of the house is very typical of the area and it has a sliding 'butterfly' roof making the first floor smaller than the ground floor.

Relevant History:

EPF/1671/07 gave approval on appeal to the erection of a house in the rearmost section of the rear garden, and this new house has been built.

EPF/2263/08 then gave permission to an attached garage, and this too has not been built.

EPF/655/08 – this was a split decision given on appeal. A two storey side extension was approved, but a detached garage was refused. The approved two storey extension has not been implemented but remains extant.

EPF/272/10 – an application for a two storey side extension was refused on grounds that its height and size would be obtrusive and out of character with the appearance of the house and the street scene. The current application is a revision to this scheme.

Policies Applied:

DBE9 – Loss of amenity;
DBE10 - Residential extensions;
LL10 - Adequacy of provision for landscape retention.

Summary of Representations:

THEYDON BOIS PARISH COUNCIL – Object. The reasons for refusal of the previous application have not been addressed in this latest application. The proposed two storey side extension, by reason of its bulk, size, and design, is out of character with the existing house and street, and is therefore intrusive and detrimental in the street scene. In line with other two storey extensions to this type of property in the village, we suggest that the extension should be set further away from the front of the house to lessen the bulk and subsequent impact on the street scene. This will allow for more respect to be shown for the original design of the house. This approach was flowed in the previously approved plans EPF/2263/08. We are also concerned that the proposed dormer windows are out of character.

10 neighbours have been consulted and two replies have been received.

THEYDON BOIS AND DISTRICT RURAL PRESERVATION SOCIETY – Although reduced in volume the extension is still too bulky, and the dormer could cause overlooking to the new house at the rear. The extension would involve loss of trees and the exposed flank would be more intrusive. The front section of the extension does not respect the original design of the house and the recessed two storey extensions as approved under EPF/655/08 is a much better design solution. This is a valuable corner site. In conclusion the application should be refused, but if approved minimum conditions should be the removal of permitted development rights and tree protection measures.

7 WOODLAND WAY – Object. Whilst recognising the reduction of the earlier plans the extension, which stretches the length of the flank wall, is still too bulky and unsympathetic. The recessed two storey side extension approved under EPF/655/08 is more sympathetic. The plans do not show all of the trees that would be lost. The proposal would be obtrusive and detract from the open aspect in the street scene.

Issues and Considerations:

The proposed extension would house an integral garage and kitchen on the ground floor, and an enlarged bedroom and bathroom over. The width of this extension has been reduced by 0.65m from that refused under EPF/272/10, and the roof ridge has been reduced in height by 0.35m below the main ridge of the existing house. The front line of both the ground and first floors has also been set back. These changes reduce the mass of the extension and it now reads as being more subordinate to the main house.

Whilst it is acknowledged that other houses in the locality have been extended with a deeply recessed side extension, as approved for this house under EPF/655/08, there are also many examples of more forward extensions, some of which are larger than proposed e.g. directly opposite at no.61 Morgan Crescent. In addition the garage approved under EPF/2263/08 projects 5.2m to the side whereas the current proposal extends 3.5m. Consequently the bulk of the current proposal is arguably not materially greater than if both the extant approvals EPF/655/08 and EPF/2268/08 were built. In addition the current narrower proposal would provide for greater retention of bushes and trees on the site, and it is acknowledged that on this corner site it is desirable to screen the new development as much as possible. The plans do illustrate that most trees/bushes on the site can be retained, but a condition is proposed requiring details of tree protection to be submitted before any work commences on site.

In terms of overlooking the rear dormer window principally looks on to the flank of the new house built to the immediate north and a material loss of privacy would not result. In general the proposal only has a small effect on the light and outlook of neighbouring houses.

Conclusions

It is recognised that the proposed extension will affect the appearance of this house. However, with its reduced mass and profile it is now considered acceptable. Most trees on the site can be retained to assist in screening the new work, and a tree protection condition is proposed for any consent. Conditional planning permission is therefore recommended.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	1
Application Number:	EPF/0917/10
Site Name:	64 Morgan Crescent, Theydon Bois CM16 7DX
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/0988/10
SITE ADDRESS:	New House Cottages Little Laver Road Moreton Ongar Essex CM5 0JE
PARISH:	Moreton, Bobbingworth and the Lavers
WARD:	Moreton and Fyfield
APPLICANT:	Mr J Furze
DESCRIPTION OF PROPOSAL:	Replacement of New House Cottages with a single dwelling house and provision of a new access.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 3 No tree, shrub, or hedge which are shown as being retained on the approved plans shall be cut down, uprooted, wilfully damaged or destroyed, cut back in any way or removed other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. All tree works approved shall be carried out in accordance with British Standard Recommendations for Tree Work (B.S.3998: 1989).

If any tree shown to be retained in accordance with the approved plans and particulars is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 3 years of the completion of the development, another tree, shrub, or hedge shall be planted at the same place, and that tree, shrub, or hedge shall be of such size, specification, and species, and should be planted at such time as may be specified in writing by the Local Planning Authority.

If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

4 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) have been submitted to an approved in writing by the Local Planning Authority, and these works shall be carried out as approved. These details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle artefacts and structures, including signs and lighting and functional services above and below ground. Details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers / densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

5 The development, including site clearance, must not commence until a tree protection plan, to include all the relevant details of tree protection has been submitted to the Local Planning Authority and approved in writing.

The statement must include a plan showing the area to be protected and fencing in accordance with the relevant British Standard (Trees in Relation to Construction-Recommendations; BS.5837:2005). It must also specify any other means needed to ensure that all of the trees to be retained will not be harmed during the development, including by damage to their root system, directly or indirectly.

The statement must explain how the protection will be implemented, including responsibility for site supervision, control and liaison with the LPA.

The trees must be protected in accordance with the agreed statement throughout the period of development, unless the Local Planning Authority has given its prior written consent to any variation.

6 A flood risk assessment shall be submitted to and approved by the Local Planning Authority prior to commencement of the development. The assessment shall demonstrate compliance with the principles of Sustainable Drainage Systems (SuDS). The approved measures shall be carried out prior to the first occupation of the building hereby approved and shall be adequately maintained in accordance with a management plan to be submitted concurrently with the assessment..

7 Prior to commencement of development, details of levels shall be submitted to and approved by the Local Planning Authority showing the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.

8 The existing access to the south-east of the proposed access shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the reinstatement of the highway verge to the satisfaction of the Highway Authority immediately the proposed new access is brought into use.

9 Gates shall not be erected on the vehicular access to the site without the prior written approval of the Local Planning Authority.

- 10 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 11 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Classes A, B, D and E shall be undertaken without the prior written permission of the Local Planning Authority.

This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions).

Description of Proposal:

Demolition of two, two-storey semi-detached properties and associated outbuildings and erection of a replacement single two-storey dwelling and new access. The proposal has been revised since first submission and the garage/ancillary accommodation element has since been deleted from the proposal.

Description of Site:

The application site is currently two, two-storey semi-detached cottages in a rural location on the east side of Little Laver Road, with detached outbuildings to the rear and side gardens. The properties are situated on a gentle bend in the road so that the road fronts and sides the properties. The building as a whole was once three small cottages, that were later converted into two. The whole site extends to approximately 0.5 acres and has a wide frontage, with a relatively shallow depth. The application site is not within a Conservation Area but is within the Metropolitan Green Belt. The application site backs onto open fields with the nearest property to the north, New House Farm, some 80m away.

Relevant History:

Various applications the most relevant of which:

EPF/0335/09 – Two storey rear extension and detached garage – App/Con (not implemented)

Policies Applied:

Epping Forest District Local Plan and Alterations

CP1 – Achieving Sustainable Development Objectives

CP2 – Protecting the Quality of the Rural and Built Environment

CP3 – New Development

GB2A – Development within the Green Belt

GB15A – Replacement Dwellings within the Green Belt

DBE4 – Design in the Green Belt

DBE1 – Design of New Buildings

DBE2 – Effect on Neighbouring Properties

DBE9 – Impact on Amenity

ST4 – Road Safety

LL10 – Retention of Landscaping

SUMMARY OF REPRESENTATIONS:

MORETON, BOBBINGWORTH AND THE LAVERS PARISH COUNCIL: Objection – over development in the Green Belt. The proposed house is very large and much more imposing in the green belt than the existing farm labourers' cottages.

The Parish Council opposes the development of two small family dwellings into one large dwelling. There is a serious shortage of smaller family homes in our district, resulting from the conversion of small to large dwellings and the majority of new build being large relatively unaffordable houses. This has led to an unbalanced population in the rural environment.

NEIGHBOURS

2 properties were consulted and a site notice erected – no responses received

Issues and Considerations:

The main issues that arise with this application are considered to be the following:

- Impact on the Metropolitan Green Belt
- Amenity of Neighbouring Properties
- Design Issues
- Retention of Landscaping
- Impact on Highway Safety

Impact on the Metropolitan Green Belt

Replacement houses within the Green Belt are considered acceptable provided the replacement house is not materially greater in volume than that it would replace. The supporting statement for this application has included calculations to show that the change in volume (including the deleted garage building) will actually decrease in size by 2m³, which is therefore in line with policy GB15A. However, the calculations provided to support the application have included the existing house, the approved but not yet implemented two storey extension (EPF/0335/09), existing outbuildings and permitted development allowance for these two properties not yet used. Notwithstanding the calculations put forward by the applicant the Council has calculated an increase of approximately 32% from the existing properties as they currently stand to the proposal (not including outbuildings).

The application site also has an extant planning permission for a two storey rear extension and detached garage to No. 1 Newhouse Cottages. When included in the calculations the proposed house is only approximately 10% larger than the existing and if it were extended under EPF/0335/09. On balance therefore it is considered that the proposal for a replacement dwelling within the Green Belt is acceptable as it is not considered materially greater in volume than that it would replace (and can currently be enlarged).

The Parish Council has objected to the proposal on green belt grounds as the proposal is very large and more imposing than the existing. As outlined above the proposal is only marginally larger in volume than the existing (plus approved extension). The overall width has been reduced by 1m and the ridge line of the proposal reduced by 0.3m which is considered to help reduce any significant dominance within the streetscene.

The Parish Council have also commented about the loss of smaller properties within the District, however, planning permission is not required for the change of use from two houses to one and therefore this property could be converted to one large property without planning permission using the existing space and that approved in 2009.

Amenity of Neighbouring Properties

The proposal is located in a relatively rural position, located on a bend in the road with no immediate residential neighbours. The nearest property is some 80m away to the north and it is not considered that this proposal will have a negative impact on these properties due to the distances involved.

Design Issues

The design of the proposal is in the design of a large detached country house. It replaces two semi-detached properties (presumably originally estate workers cottages) which are brick built and quite traditional in appearance. The proposal for the replacement dwelling has incorporated several traditional and vernacular details including timber sash windows, brick quoins, brick arches and slate roof and these are considered to be an appropriate use of traditional detailing.

Although the nature of the style of the building will be different, the proposal is not considered to be out of character with the wider area particularly as the two hipped front projections break up the design of the front of the house, and avoid any need for untraditional large expanses of flat roof. The proposal will also be located in the same location as the existing properties and this is well situated in the middle of the application site.

Retention of Landscaping

A tree report was included with the application and the Council's Tree and Landscape Officer has no objection to the proposal subject to conditions relating to the retention of trees, tree protection and landscaping. Any further landscaping on the site will be a positive improvement to the general setting of the proposal.

Impact on Highway Safety

The proposal provides sufficient off street parking for a property of this size with driveway area. The proposal involves a new access to the north of the site and the closing of the access that served No. 2. The Highway Authority has no objection to the proposal subject to various conditions.

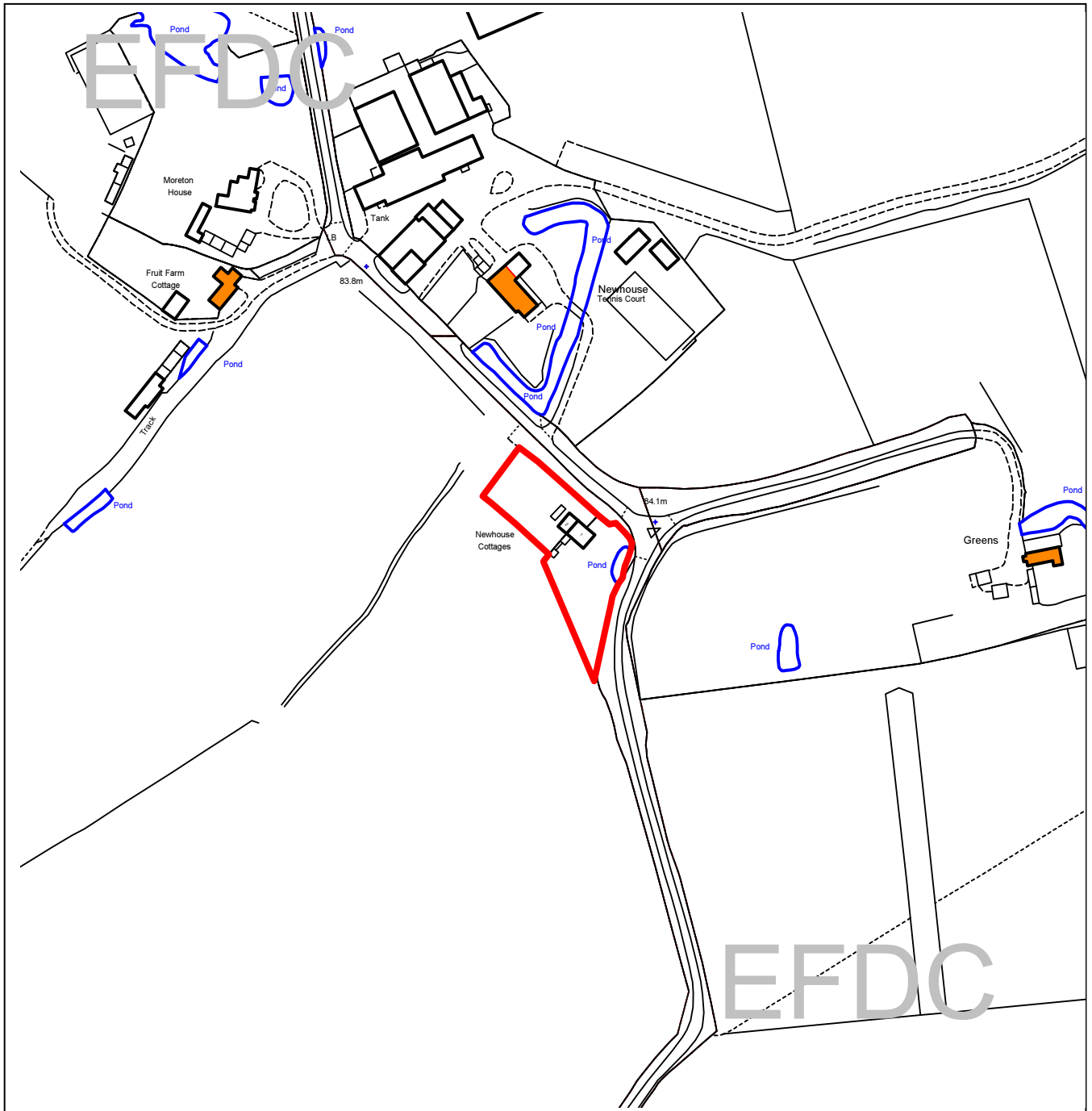
Conclusion:

In conclusion therefore, although the proposal is larger than that which exists at present it is not considered materially greater than the existing properties, additionally the extant permission for a two storey extension is considered a material consideration in the assessment of this proposal. Furthermore it is not considered that it will be harmful to the character of the area, or the residential amenity of neighbours, and the application is accordingly recommended for approval.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	2
Application Number:	EPF/0988/10
Site Name:	New House Cottages, Little Laver Road Moreton, CM5 0JE
Scale of Plot:	1/2500

Report Item No: 3

APPLICATION No:	EPF/1005/10
SITE ADDRESS:	Riverwood Coppice Row Theydon Bois Epping Essex CM16 7DS
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Mr Brian Rudgley
DESCRIPTION OF PROPOSAL:	First floor extension over existing single storey rear extension.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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 Materials to be used for the external finishes of the proposed extension, shall match those of the existing building.

This application is before this Committee since the recommendation differs from the views of the local council (pursuant to section P4, schedule A (g) of the Councils delegated functions).

Description of Proposal:

First floor extension over existing single storey rear extension.

Description of Site:

A two storey detached house in a row of similar dwellings on the north side of Coppice Road. The property is located in the built up settlement of Theydon Bois with the Green Belt and Epping Forest lying beyond the rear boundary.

Relevant History:

EPF/1635/88 - Approval for rear ground floor extension.

Policies Applied:

DBE9 – Loss of amenity;
DBE10 - Residential extensions;

Summary of Representations:

THEYDON BOIS PARISH COUNCIL – Object. The proposed extension, measuring 5.65m from the depth of the original building line of the rear wall, would, with a proposed second storey addition, have an overbearing impact upon neighbouring properties.

3 neighbours have been consulted and no replies have been received.

CONSERVATORS OF EPPING FOREST – No observations.

Issues and Considerations:

It is proposed to erect a first floor extension over the existing ground floor addition. Its length would be 5.1m and not 5.65m as the Parish Council have stated. The existing ground floor has a relatively high 3.9m flank wall facing 'Shannon' the neighbouring property to the east. The extension would raise this height to an eaves height of 5.1m, with a sloping roof angled away on top. While there will be some impact upon the outlook to the rear of Shannon the extension does not breach a 45 degree line drawn from the nearest windows in this neighbouring house. Also a substantial tree lies in the neighbouring garden close to both the common boundary and the rear wall of Shannon, and this will provide some screening effect of the extension. The extension lies 2m from the common boundary wall, and the neighbouring Shannon is sited 1m from this boundary. For these reasons the proposal will not be unduly overbearing, and will not result in a significant loss of amenity to Shannon. Of note also is that neighbours have not raised objections to this proposed extension.

A pitched and hipped roof over the new first floor extension is proposed, and the appearance of the proposed extension is acceptable.

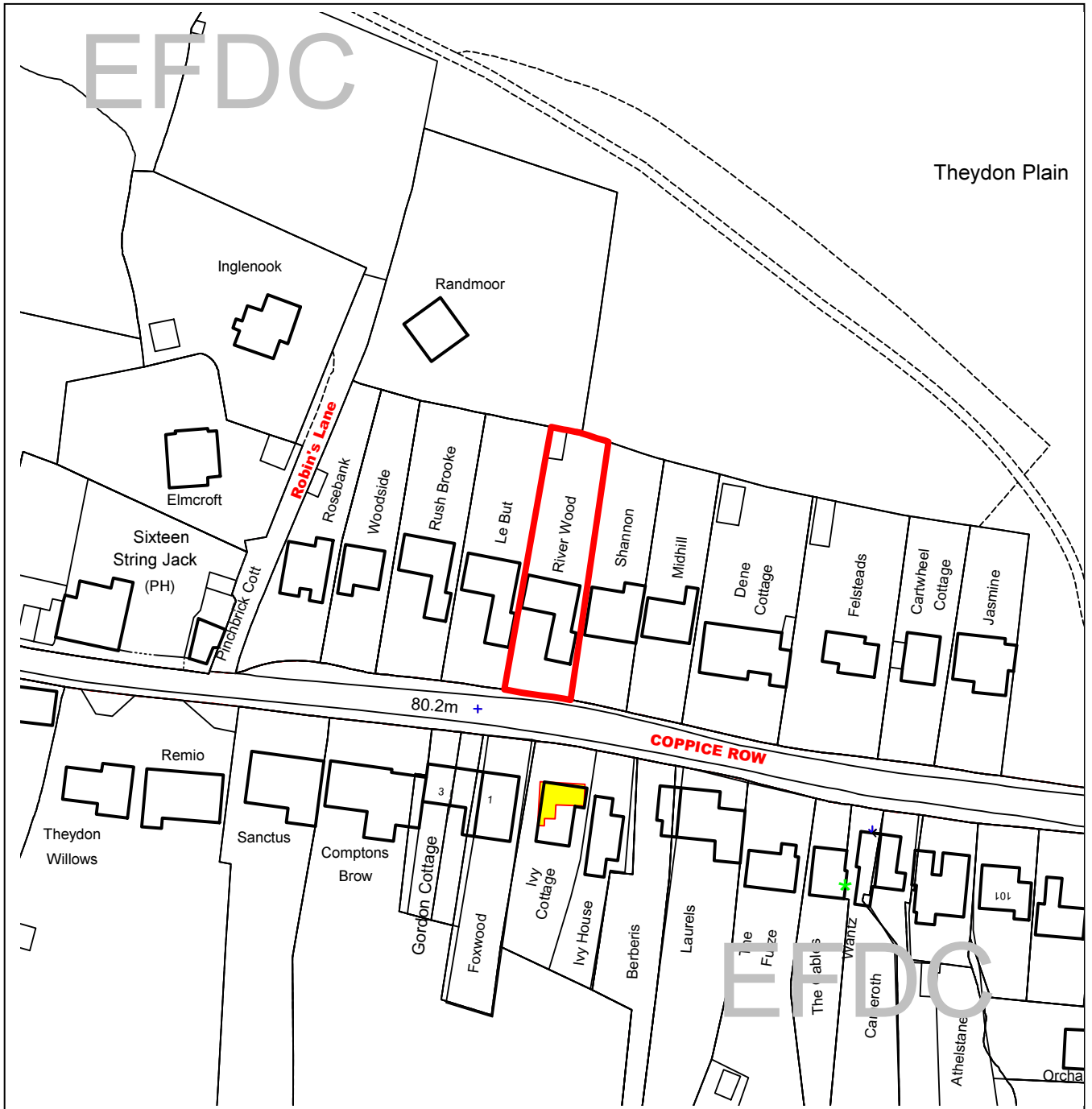
Conclusions

It is recommended that conditional planning consent be granted.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	3
Application Number:	EPF/1005/10
Site Name:	Riverwood, Coppice Row Theydon Bois, CM16 7DS
Scale of Plot:	1/1250

Report Item No: 4

APPLICATION No:	EPF/1097/10
SITE ADDRESS:	Oaklee Farm Manor Road Lambourne End Lambourne Essex RM4 1NB
PARISH:	Lambourne
WARD:	Lambourne
APPLICANT:	Mr & Mrs B Lee
DESCRIPTION OF PROPOSAL:	Removal of agricultural occupancy condition.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 Within 2 calendar months of the date of this permission, an additional plan detailing the extent of the residential curtilage associated with the dwelling shall be submitted to the local planning authority for approval in writing. The extent of the residential curtilage shall be restricted to the agreed area thereafter.

This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section CL56, Schedule A (g) of the Council's Delegated Functions).

Description of Proposal:

The application seeks the removal of the agricultural occupancy condition 6 attached to the consent on EPF/1148/87, "Amended Plans for Farmhouse".

Description of Site:

Oaklee Farm is an irregular shaped site of around 2.7 hectares. It comprises of an area of rough grassland (approx 1.6 ha), a small area for keeping ponies (approx. ½ ha), a 5 bedroom detached house with hard paved drive and a plant growing area located around 20m to the south west of the house and approximately 700m² in size. The site is in a prominent position on relatively high ground from where there are extensive views over the surrounding rural area.

Relevant History:

EPF/0517/86 – Erection of farmhouse in connection with rabbit farm – Refused but allowed on appeal

EPF/0268/87 – Amended plans of farm house – Refused

EPF/1148/87 – Amended plans of farm house – Approved with conditions

EPF/1026/89 – Change of use of redundant rabbit sheds to general storage – Refused

EPF/0460/90 – Application to remove condition 6 of permission EPF/1148/87 – Refused and appeal withdrawn

CLD/EPF/0178/99 – Certificate of Lawfulness for the dwelling having residential use rights – withdrawn

EPF/1487/99 – Removal of agricultural occupancy condition on EPF/1148/87 – withdrawn

CLD/EPF/0721/00 – Occupation of dwelling house in compliance with agricultural occupancy condition

EPF/0982/01 – Removal of condition 6 from EPF/1148/97 – agricultural occupancy condition – Refused

EPF/1390/01 – Removal of agricultural condition reflected in condition 6 attached to planning permission EPF/1148/97 – Refused and dismissed on appeal

EPF/2162/08 – Removal of agricultural occupancy condition on EPF/1148/97 – Refused 27/03/2009 for the following reason:

Insufficient evidence has been provided to demonstrate that there is no existing or future functional need for a dwelling for an agricultural worker on the holding and therefore the occupancy condition has not outlived its usefulness. The proposal to remove the condition is contrary to central Government Guidance as contained in Paragraph 17 of PPS7 and to policies GB2A and GB17B of the adopted Local Plan and Alterations.

An appeal against this decision was lodged but subsequently withdrawn.

Policies Applied:

PPS7 – Sustainable Development in Rural Areas – Annex A

GB2A – Development in the Green Belt

GB17B – Removal of agricultural occupancy conditions

Summary of Representations:

Notification of this planning application was sent to Lambourne Parish Council and to 3 neighbouring properties. A site notice was also displayed.

The following representations have been received:

LAMBOURNE PARISH COUNCIL: The Parish Council have discussed the above planning application and Object for the following reasons:-

Lambourne Parish Council are familiar with the background of Oaklee Farm, and objected in 1984 to the original application. We felt at the time of our last objection in 2009 that the owners have not exhausted all avenues of utilising the sizeable plot of 7 acres for agricultural purposes and that their ulterior motive was always to have the agricultural tie removed for capital gain as demonstrated by the market value with and without the agricultural tie.

Based on local knowledge and tentative enquiries the removal of the agricultural tie would create a dangerous precedent.

We agree with the comments of the planning inspectors on the last two appeals.

Issues and Considerations:

The main issue here is whether condition 6 imposed on the dwelling at Oaklee Farm remains necessary and reasonable having regard to the prevailing policy on agricultural occupancy conditions, in particular Policy GB17B of the Local Plan Alterations, which argues that the evidence submitted must demonstrate that:

- (i) There is no longer a functional need for the dwelling on the holding; and
- (ii) There is no longer a need for this type of dwelling in the locality; and
- (iii) The dwelling has been marketed with its agricultural occupancy status made clear throughout for a minimum of one year and must include:
 - (a) 'For sale' signage visible from the highway
 - (b) Local newspaper advertising on a regular basis throughout the marketing period; and
 - (c) National or regional advertising in specialist agricultural publications on a regular basis throughout the marketing period
 - (d) The asking price for the dwelling being at least 40% below its general housing market value
- (iv) A survey of the agricultural community is carried out to assess the existing agricultural need in the locality for the dwelling

Regard will also be had to Government guidance contained within Planning Policy Statement 7. The condition will not be removed unless it can be shown that the long term needs for this dwelling for occupancy by an agricultural worker, both on the particular farm or holding and in the locality, no longer warrant its reservation for that purpose. It is the need for the dwelling for someone solely, mainly or last working in agriculture in an area as a whole and not just on the particular holding that is relevant.

Background

Mr Lee bought Oaklee Farm in late 1983 with a view to starting a rabbit breeding enterprise. In December 1986, planning permission was granted on appeal for the erection of a farmhouse. The Inspector was satisfied that the enterprise started by Mr Lee had become an economic one with a reasonably assured future and that there was a need for him to live on the unit to supervise the business.

The rabbit enterprise ceased in the early part of 1989. Unsuccessful attempts were made to establish other agricultural activities and in 2001 an application was submitted to remove the agricultural condition. This was initially recommended for approval by the Planning Officer however it was deferred by the Planning Committee of 30 January 2002 in order for an agricultural appraisal from an independent consultant to be undertaken. This report was produced and concluded that there was an existing and future need for an agricultural workers dwelling both on the holding itself and in the locality.

However, prior to the application being heard at a subsequent committee the applicants appealed against non-determination. The application was still heard by Committee on 17th July 2002 with a recommendation (had it not been appealed against) for refusal based on the appraisal's conclusions.

At appeal, the Inspector concluded that the house at Oaklee Farm was justified as an agricultural occupancy condition was correctly imposed and that the house is a part of a pool of agricultural dwellings in the area. The evidence on the viability of the smallholding, the demand for agricultural dwellings and the shortcomings of the marketing exercise led him to consider that the occupancy condition remained necessary and reasonable. Removal of the condition would in turn reduce the pool of agricultural dwellings and would conflict with local and national green belt policies. The appeal was dismissed.

Consequently, in June 2003, a report was produced by Peter Chillingworth, FRICS, NDA (instructed by the applicants) regarding proposals in order to fulfil the agricultural occupancy condition. He concluded that the rabbit breeding business was too risky and that a horticultural business should be attempted in order to comply with the agricultural condition. However, Richard Tattersall (acting for EFDC), in his letter of 28th July 2003, was not convinced entirely of its findings, preferring to instead, rely on the evidence put to the Inspector and her view in her decision letter in 2002 that a rabbit breeding enterprise could be successfully maintained on the site. He did say that although he had some reservations on the details of the business, the proposal put forward by Mr Chillingworth was reasonable enough to ensure that Mr and Mrs Lee could comply with the occupancy condition. On the back of this, the Council resolved in October 2003 that no action should be taken in order to allow Mr and Mrs Lee to set up this business and that this business should be monitored by the Council's Enforcement Officers to ensure compliance.

Consequently, the applicants have attempted to make a go of a business in line with the agricultural occupancy condition but to no avail. A horticultural business has been running on the site for approximately 5 years however the business has never taken off due to a combination of factors including the exposed nature of the site and the fact that flower production is dominated by the Dutch who produce many more plants than the applicant is able to and therefore she is reliant on predominantly selling at car boot sales, which does not produce sufficient income. In November 2008 a further planning application for the removal of the agricultural ties was submitted.

In order to fully assess the situation and the evidence provided it was considered that a consultant with expertise in the field of agricultural occupancy applications be employed, at the Council's expense, in order to ascertain whether the condition could be removed in this case. Accordingly, in February 2009 Richard Tattersall, FRICS, produced a report looking at each of the criteria outlined in Policy GB17B and the evidence submitted by the applicants. He concluded that a rabbit enterprise could still be viable on this site as was accepted by the Inspector in 2002. The site is located in an urban fringe close to a large market and the applicants have not submitted conclusive evidence to rule out the possibility of running a viable enterprise in some niche or specialist form of agriculture. That planning application was subsequently refused.

This application has been submitted with additional information to demonstrate that the rabbit enterprise (and other forms of agricultural enterprise) are not viable. The Council has, again, appointed Richard Tattersall to provide advice on the information submitted by the applicants.

Need on the Holding

The site is presently being used for horticultural purposes and the applicant has submitted accounts for this enterprise covering the years 2006-2008. The accounts demonstrate that 2006 was the most profitable year, during which the profit was £1,619. This sum is clearly well below that of a full time agricultural worker. The applicants have submitted information relating to the potential of the site for alternative agricultural enterprises, including additional information relating to issues concerning the re-establishment of the rabbit farming, which was the main issue for which the previous planning application was refused. With regard to this matter, Richard Tattersall has advised *'the 2008 application to lift the condition did not address this proposition to any great*

extent. This has been corrected in the current application which considers the potential for re-establishing the enterprise and refers to a range of topics including the current legislative framework (welfare); capital costs of re-stocking, including buildings and potential returns. Whilst some of this information might be questioned, i.e. building costs and the state of the market for rabbit meat at present there can be no doubt from the information presented that the market has changed along the lines generally indicated by the Applicant. One is, therefore, drawn to the conclusion that, at the present time, the prospects for re-establishing this enterprise are not promising'.

Alternative agricultural enterprises are considered, including expanding the horticultural enterprise, mushroom production, or livestock enterprises including pigs or poultry. Of these, Richard Tattersall considers that the option with the most potential would be one based on a free-range poultry unit selling eggs. He agrees with the suggestion by Peter Chillingworth (acting for the applicants) that a unit based on 4,000 hens could be established and offers a reasonable prospect of maintaining an agricultural enterprise on the land. However, Richard Tattersall notes that *'for anyone considering the purchase of this site to develop such an enterprise, with the high capital value of the dwelling suggested in the Estate Agents figures (£850,000) with the occupancy condition still in place, this is clearly going to be a considerable deterrent. They would probably prefer a lower base value site, either of bare land or a site with a smaller dwelling'.*

Other high value livestock enterprises, such as alpacas, are considered and it is thought there may be potential for these to be developed on the holding and meet the terms of the occupancy condition. However, Richard Tattersall concludes that *'although the current occupiers might be in a position to develop one or other of such enterprises there must be considerable doubt over the possibility of a sale to a third party contemplating such an enterprise given the very high value now placed on the dwelling – even with the occupancy condition in place'.*

In conclusion, it is accepted that the horticultural enterprise which the applicants have most recently undertaken is not sufficient to generate a reasonable living. It is further accepted that the rabbit farming enterprise, around which the need for the agricultural dwelling was initially accepted, no longer presents a viable business opportunity. Whilst it is considered that there are alternative types of agricultural activity which could viably be developed on the holding by the applicants, it is accepted that the valuation of the dwelling (even at the reduced Market value as an agricultural workers dwelling) would be an obstacle to any third party interested in establishing a wholly viable enterprise. Furthermore, it is also accepted that these alternative livestock uses may not be enterprises for which the existing occupiers have the necessary skills and ability to develop. Furthermore, a letter has been provided by Dr. D.A Colvin of Abridge Surgery confirming that Mrs Lee is a patient registered at the practice and that she has an ongoing medical problem which makes it inadvisable for her to carry out tasks involving heavy lifting.

Demand within the Local Area

With regard to (ii) of Policy GB17B, it is for the applicants to prove that there is no longer a need for this type of dwelling in the locality and this can be done via marketing of the property and via a survey of the agricultural community.

Evidence was advanced at the last Inquiry to suggest that there was continuing demand for agricultural dwellings in the vicinity but this was back in 2002. Since then 8 applications throughout the district have been approved for new agricultural workers dwellings under refs: EPF/0031/03, EPF/0099/03, EPF/1319/05, EPF/1500/05, /EPF/0244/05, EPF/1900/07, EPF/2408/07 and EPF/0994/09.

In respect of the 2008 application, detailed information relating to the marketing of the premises was submitted. The details submitted are provided below:

A survey of local demand for accommodation for agricultural workers was undertaken by the applicants. When assessing need via the production of a survey of the agricultural community within the locality for a dwelling, an 8km radius around the dwelling will generally be applied (para 5.89a of GB17B). The applicants contacted 82 agricultural holdings within the locality. As a result of their contact, 8 survey forms were returned, with 3 not requiring further accommodation for agricultural workers and 5 expressing an interest. Acorus responded to these 5 properties but do not conclude to say whether any further interest came from them.

In terms of marketing, criterion (iii) of policy GB17B states that the dwelling must be marketed for a minimum of one year with its agricultural occupancy made clear throughout. This must include a 'for sale' sign visible from the highway; local newspaper advertising on a regular basis; national or regional advertising in specialist agricultural publications on regular basis and that the asking price for the dwelling to be at least 40% below its general housing market value.

Beresfords valued the property between 1.35 and 1.4m, so an initial asking price in the region of £900,000 was adopted in September 2007. In April 2008 it was dropped to £875,000 and in June to £845,000. This market price reflected a discount of between 39% and 43% to allow for offers of 5% below guide. This had been accepted on appeal previously.

Although the report states that a 'for sale' board was visible throughout the marketing period no evidence has been submitted to show this.

Evidence submitted shows the following:-

Local:

Romford Recorder:

30th (mm/yy not shown) – Price £900,000
15th February 2008 – Price £900,000
30th May 2008 – Price £875,000
19th September 2008 – Price £845,000

National/Specialist

Farmers Weekly:

7 September 2007 – Price: TBA
12 October 2007 – Price: £900,000
8 February 2008 – Price £900,000
4 April 2008 – Price: £900,000
25 April 2008 – Price: £875,000
6 June 2008 – Price £875,000
26 Sept 2008 – Price £845,000

Smallholder Magazine:

April 2008 – Price £900,000
Show Special 2008 (no date) – Price £875,000

Farmers Trader:

19th Sept-2nd Oct 2007 – Price: TBA
9th Jan – 22nd Jan 2008 – Price: TBA
30th Apr – 13th May 2008 – Price: £875,000

General Property Database

Acorus.co.uk

Sept/Oct 2007 - £900,000; Dec 2007/Jan 2008 - £900,000; Feb 2008 - £900,000; April 2008 - £900,000; May 2008 - £875,000; August 2008 - £845,000

On the back of the above marketing, 4 requests to view were made of which:

One person did not comply with the condition; two people offered dates but neither took the opportunity to view and one person changed his mind.

During consideration of the previous application, Richard Tattersall raised concerns regarding the approach taken with regards to the valuation. In 2002 appeal decision, the Inspector found that the house was large in relation to the agricultural needs of the holding and that the house was not financed by income off the holding. She concluded that the approach to valuation *“based on the dwellings connection with the land and the limited number of potential buyers and their needs, is more suited to the circumstances than the approach in the marketing exercise.”*

In other words the property had been over valued in the marketing exercise. Richard Tattersall was concerned that this may also apply to the exercise undertaken by Acorus. However policy GB17B now applies a 40% figure, whereas the previous policy GB17 did not apply a specific figure. 40% is now the policy requirement and it is a figure that was not challenged by the Local Plan Inspector. Therefore, it is considered that the valuation and subsequent marketing of the dwelling on this basis is in accordance with the Local Plan policy. When the previous application was determined, it was also considered that the element of Policy GB17B which states *“Where suitable, opportunity for rental, sub-division, multiple occupancy, and occupancy, and occupancy is more intensive should be explored. This is of particular significance in areas close to horticultural glasshouses, where demand for accommodation for seasonal agricultural workers continues to be high.....”* was not relevant because the site is not close to horticultural glasshouses and therefore would be difficult to argue that evidence should have been submitted to show that this option had been taken into account.

Following guidance from planning officers, the applicants undertook a further valuation of the property prior to submitting this planning application. Valuations were obtained from three estate agents, confirming that the value of the property (with the 40% reduction) ranged from £845,000 to £900,000. On the basis that these figure were comparable with those submitted at the time of the previous planning application, officers advised that there was no need for an additional marketing study to be undertaken, bearing in mind the small passage of time which had lapsed.

At the time of the determination of the previous application, the Council accepted the marketing information which was put forward and this did not form part of the reason for refusal. It is accepted that the price at which the property is marketed is high and is likely to render the property unobtainable to an agricultural worker. However, despite the reservations raised by the Inspector in 2002 and by Richard Tattersall, the valuation has been calculated using the explicit guidance contained within the Local Plan. It is not, therefore considered that it is open to the Council to now challenge this figure.

Other Matters

The Parish Council have raised concerns that the removal of the condition could set a dangerous precedent. However, it is considered that the circumstances of this site are unlikely to be replicated elsewhere in similar circumstances. The dwelling is large, considerably larger than current Local Plan policy permits and the applicants have worked with the Council over a number

of years to explore alternative enterprises. In cases where the Council and its advisor have suggested alternative uses, these have been explored by the applicants.

Conclusion:

In conclusion, it is accepted that the marketing undertaken in accordance with the requirements of the Local Plan and the site is not considered to be in an area close to horticultural glasshouses that would result in the applicants having to demonstrate that alternative forms of occupancy have been explored.

It is accepted that the agricultural enterprises which have previously been undertaken by the applicants (the rabbit farming and horticultural activity) no longer present viable business opportunities which would generate sufficient income. Whilst it is considered that there may be viable alternatives, it is likely that the value of the property would preclude a purchaser from acquiring the site for such an enterprise and it is accepted that the applicants themselves may not be capable of undertaking such an enterprise. Richard Tattersall concludes that *'there must therefore be some doubt as to whether or not this holding has the potential to sustain an agricultural business in the future and fulfil the requirements for the occupancy condition'*.

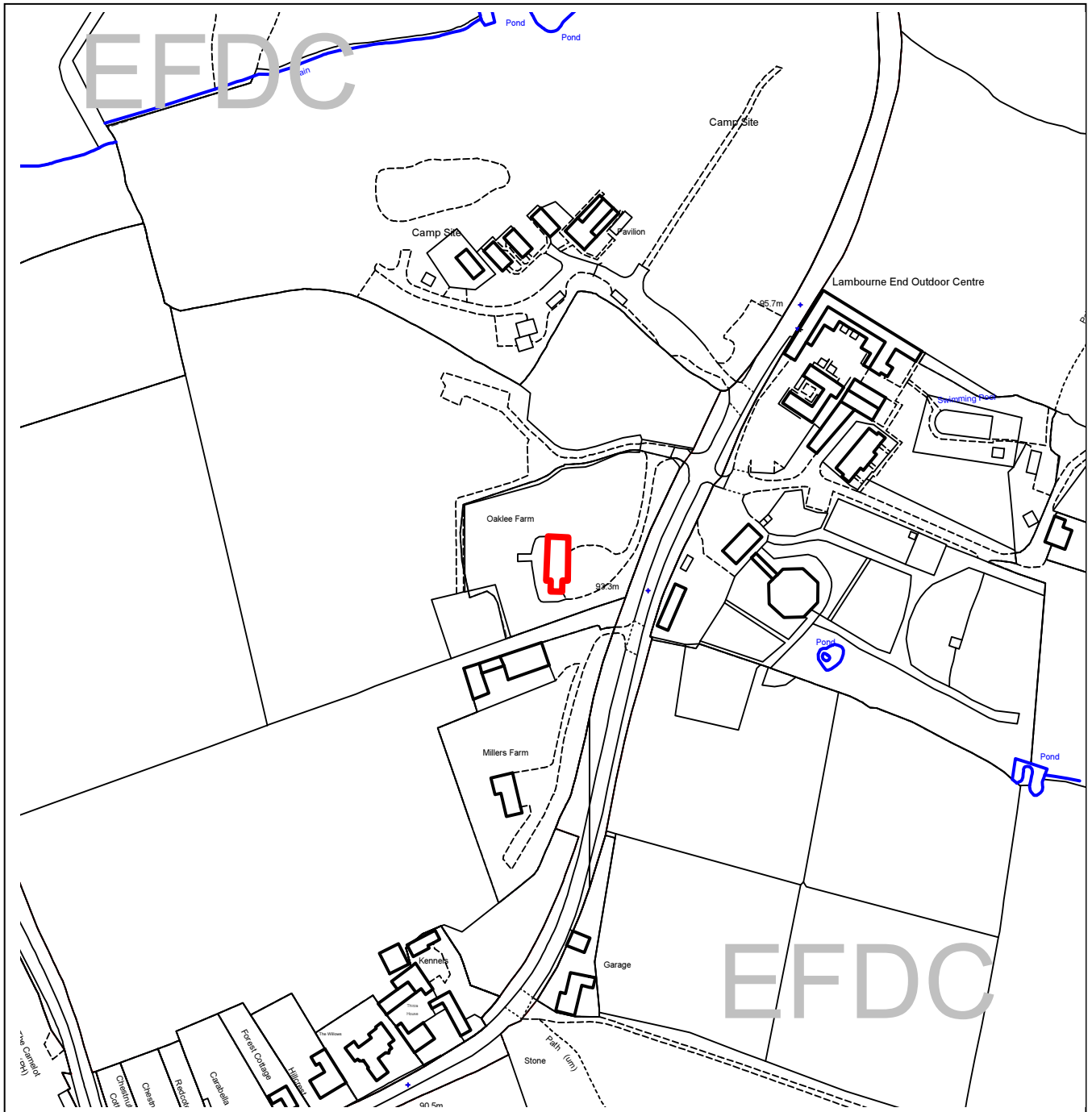
Government guidance contained within Planning Policy Statement 7 states *'changes in the scale and character of farming and forestry may affect the longer-term requirement for dwellings for which permission has been granted subject to an agricultural or forestry occupancy condition. Such dwellings, and others in the countryside with an occupancy condition attached, should not be kept vacant, nor should their present occupants be unnecessarily obliged to remain in occupation simply by virtue of planning conditions restricting occupancy which have outlived their usefulness'*.

Having regard to this advice, it is considered that in this case, the condition attached to the original consent is no longer relevant as the existing occupiers are unable to run a viable agricultural enterprise in order to comply with the requirements of this planning condition and the value of the property (as dictated by the Local Plan) would preclude the successful establishment of an alternative agricultural enterprise by a third party. For these reasons, it is considered that the planning condition no longer meets the test of reasonableness set out in Circular 11/95. Accordingly, it is recommended that the application to lift the condition is granted.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	4
Application Number:	EPF/1097/10
Site Name:	Oaklee Farm, Manor Road Lambourne End, CM4 1NB
Scale of Plot:	1/2500

Report Item No: 5

APPLICATION No:	EPF/1237/10
SITE ADDRESS:	41 London Road Stanford Rivers Ongar Essex CM5 9PH
PARISH:	Stanford Rivers
WARD:	Passingford
APPLICANT:	Mr Kevin Cole
DESCRIPTION OF PROPOSAL:	Side extension to bungalow and loft conversion including 3 rear dormer windows (Amended application)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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 Materials to be used for the external finishes of the proposed extension, shall match those of the existing building.

This application is before this Committee since the recommendation differs from the anticipated views of the local council (Pursuant to Section CL56, Schedule A (g) of the Council's Delegated Functions).

Description of Proposal:

This application seeks planning permission for a side extension and loft conversion to the bungalow which, although material changes, would be very similar to the plans which were approved in April last year. The extension would be approximately 7.6 metres in width and would have a hipped roof. The loft space of both the existing building and proposed extension would be used to provide habitable accommodation. Three pitched roof dormers are proposed in the rear roof slope and roof lights are proposed in the front and side roof slopes.

The notable changes between this proposal and the approved scheme are:

- fenestration changes;
- the slightly lowered position of the rear dormers;
- alterations to the internal layouts at ground and first floor (including the enlargement of the space used as habitable accommodation at first floor level) and
- alteration to the front elevation consisting of a relocated gable projection.

It is the fenestration revisions and relocated gable which are the variations that are considered to be material deviations from the approved plans.

The last application, which was refused permission earlier this year proposed the addition of a full gabled roof to the proposed extension and an additional rear dormer. These elements are removed from this revised application.

Description of Site:

The application property is a semi detached dwelling which is currently similar in size and style to the adjacent dwelling. The site is bordered to the south by an industrial building and separated from it by 2.0m fencing. The rear of the site is well screened by existing tree cover. The entire site is within the Metropolitan Green Belt.

Relevant History:

EPF/0605/85 - Detached garage. Grant Permission (with conditions) - 07/06/1985.

EPF/0930/07 - Single storey side extension. Grant Permission (With Conditions) - 19/06/2007.

EPF/0963/08 - Single storey side extension to replace existing detached garages. (Amended application). Withdrawn Decision - 18/06/2008.

EPF/0432/09 - Side extension to bungalow and loft conversion incorporating 3 rear dormer windows. Grant Permission (With Conditions) - 16/04/2009.

EPF/1731/09 - Side extension with integral garage and loft conversion with dormer window to rear. (replacing existing garages.). Withdrawn Decision - 26/09/2009.

EPF/0265/10. Side extension including integral garage and loft conversion with rear dormer windows. Refused 31/03/2010.

Policies Applied:

Adopted Local Plan and Alterations

CP2 – Protecting the Quality of the Rural and Built Environment.

DBE4 – Design in the Green Belt.

DBE9 – Loss of Amenity.

DBE10 – Design of Residential Extensions.

GB2A – Development in the Green Belt.

Summary of Representations:

Notification of this application was sent to Stanford Rivers Parish Council and to 6 neighbouring properties.

This consultation does not close until 2nd August. Accordingly any comments received will be verbally reported at the Committee meeting. The Parish Council objected to the previous planning application.

14 GARDENFIELDS. Objection. Loss of privacy to rear garden as the rear facing dormers will overlook our property. Also potential overlooking into our lounge. Also concerned that the size of the extension would double the existing footprint and be out of character in the green belt.

Issues and Considerations:

The main issues in this case are:

- the impacts of the proposed development on the amenities presently enjoyed by the occupiers of neighbouring dwellings;
- the acceptability of the design in relation to the character and appearance of the area; and
- the impacts on the open and rural character of the Metropolitan Green Belt.

Neighbouring Amenity

The alterations to the approved scheme are such that there would not be any additional harm to the amenities of the occupiers of neighbouring dwellings. The proposed dormer windows are in similar positions to the approved plans, but would be at a slightly lower level (by approximately 10 cm).

The concerns of the occupiers of 14 Gardenfields are noted. However, the dormers would be positioned over 20 metres from the rear boundary of the site with this property and as a result of this distance it is not considered that the level of overlooking would be material.

Character and Appearance

The overall design of this proposal reflects that of the existing dwelling. It is not considered that the alterations to the approved scheme increase the impact of the proposed development on the character and appearance of the area. To the contrary, it is considered that the relocated gable on the front elevation improved the balance of the property, by adding some symmetry.

The application drawings show that the overall roof of the building would be slightly lower than shown in the approved drawings. As both sets of drawings show that the ridge line of the extension would be in line with both the existing dwelling and adjoining semi, it is considered that this is just a discrepancy between plans. It is, however, considered to be important that the proposed rear dormers do not protrude above the ridge. This element of the design may be secured by the use of a planning condition, requiring that the dormers sit below the ridge tile, as shown on the submitted plans.

Green Belt

The site is located within the Green Belt, where limited extensions to residential properties are acceptable. The bulk of the proposed extension remains similar to that of the approved scheme, which proposed additions resulting in an increase of approximately 47% to the original dwelling.

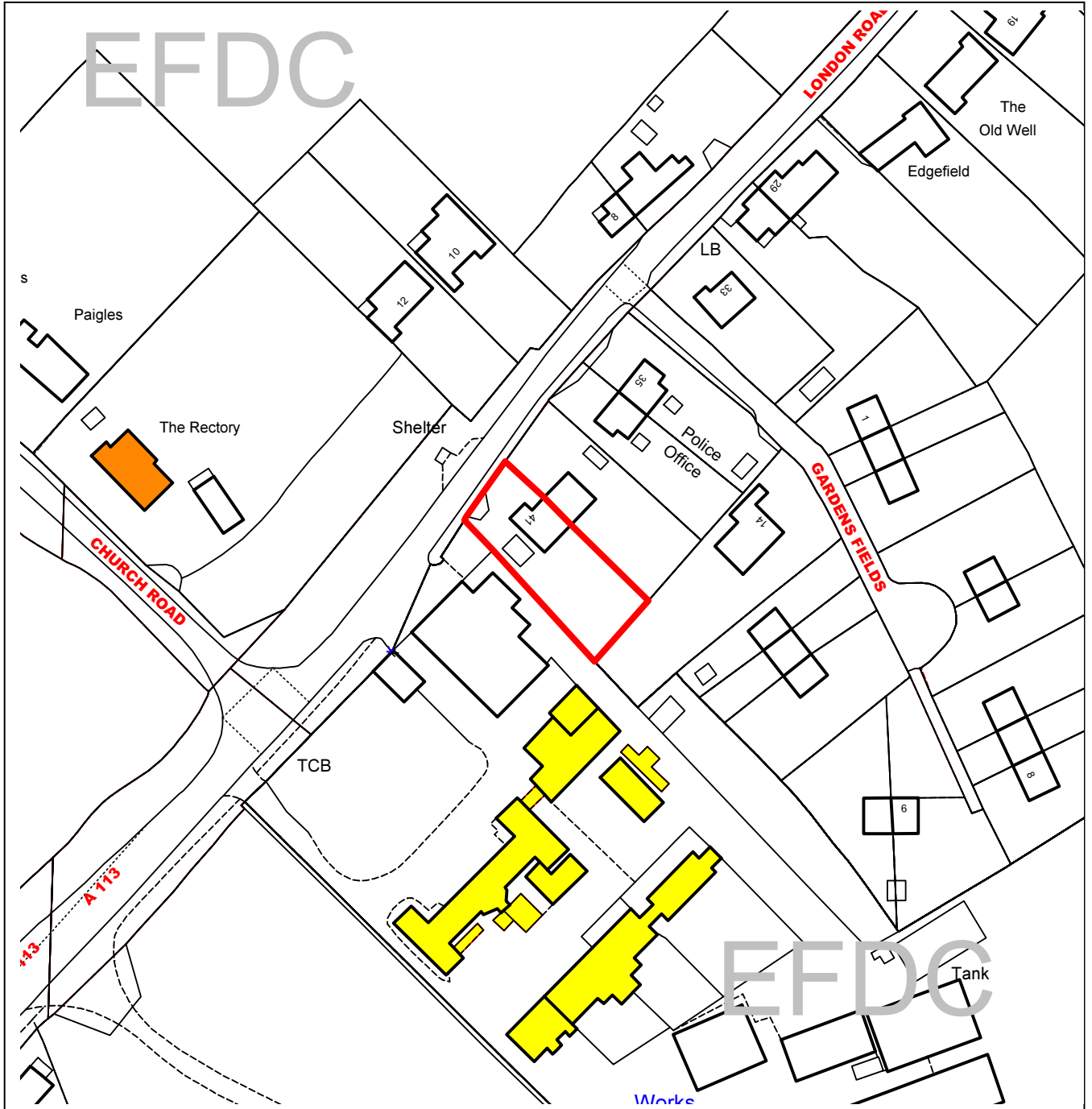
Conclusion:

In light of the above appraisal, it is considered that the minor alterations to the approved plans will not result in any material harm to either the amenities enjoyed by the occupiers of neighbouring dwellings or to the character and appearance of the street scene or to the open character of the Metropolitan Green Belt. It is, therefore recommended that planning permission be granted.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	5
Application Number:	EPF/1237/10
Site Name:	41 London Road, Stanford Rivers CM5 9PH
Scale of Plot:	1/1250