

Report Item No: 1

APPLICATION No:	EPF/1452/10
SITE ADDRESS:	Greenacres Tatsfield Avenue Nazeing Essex EN9 2HH
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr Raymond Dawney
DESCRIPTION OF PROPOSAL:	Change of use of building to single dwelling house and release from S106 agreement.
RECOMMENDED DECISION:	Refuse Permission

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=519863

REASON FOR REFUSAL

- 1 The application site is within the Green Belt where the creation of a new dwelling is unacceptable in principle and the applicant has failed to demonstrate very special circumstances contrary to policy GB2A and GB8A of the Adopted Local Plan and Alterations and PPG2.

This application is before this Committee since it has been 'called in' by Councillor Bassett (Pursuant to Section CL56, Schedule A (h) of the Council's Delegated Functions).

Description of Proposal:

The applicant seeks permission to change the use of an existing outbuilding to a single dwelling house and release from S106 agreement restricting the accommodation to annex only.

This S106 legal agreement was entered into as part of application EPF/1795/98 and there were no other obligations in the agreement.

Description of Site:

The application site is a single storey detached outbuilding converted to 2 bed annexe accommodation with an integral garage.

The existing annexe is situated to the side and south of the property known as Greenacres and accessed via a right of way across the front of Greenacres.

Greenacres has a significant area of land associated with the plot and there would be a significant parcel to the east of the annex available as amenity area.

The site is positioned at the end of a cul-de-sac backing onto open space looking towards Larksmead nursery and the site is within the Green Belt.

Relevant History:

EPF/1375/76 – Outline app for 3 houses – Refused
EPF/0313/77 – Outline app for detached bungalow and integral garage – Refused
EPF/1676/78 – Outline app for detached dwelling house – Refused
EPF/0079/84 – Demolition of existing bungalow and outbuildings and erection of 2 semi-detached and three detached houses with integral garages – Refused
EPF/0070/85 – Four detached houses and garages – Approved
EPF/1725/87 – Three detached dwellings – Approved
EPF/1057/88 – Outline app for 4 detached houses
EPF/0969/90 – Dwelling house (revised details for plot 4) – Approved
EPF/1436/90 – Erection of house and garage (revised details) – Approved
EPF/0431/92 – Outline app for four 4-bed houses with garages – Approved
EPF/0282/93 – Erection of detached house and garage – Refused
EPF/0556/95 – Revised details of detached dwelling – Approved
EPF/1795/98 – Change of use of building to granny annexe – Approved with S106

Policies Applied:

Epping Forest District Local Plan and Alterations

CP2 – Protecting the Quality of the Rural and Built Environment
GB2A – Development in the Green Belt
GB8A – Change of use or adaptation of buildings
DBE9 – Impact of New Development
DBE10 – Design of Residential Extensions

SUMMARY OF REPRESENTATIONS:

12 Neighbouring properties were notified and a single response has been received as follows:

SHIELING – Object due to loss of privacy and amenity arising from the independent occupation of the unit and associated intensification of use. Object to additional traffic and noise generated and the loss of outlook were the plot to be further developed at a later date. Also note the piecemeal development of the site with 4 properties being erected to the west.

SHIELING- Wrote again following additional notification to reiterate the objections and to emphasize that this site is within the Green Belt.

NAZEING PARISH COUNCIL: No objection

Issues and Considerations:

This application was deferred from a previous meeting to permit Officers to seek a legal opinion as whilst the outbuilding has been converted to annex accommodation in accordance with the consent issued in 1998 it has not been occupied as an annex. Following legal advice, the description of development was revised to 'change of use of building to single dwelling house and release from S106 agreement' and neighbours were notified accordingly.

The main issues that arise with this application are considered to be the appropriateness of the development in the Green Belt, its effect on the openness and character, impact to the street scene and its impact upon neighbouring properties.

Green Belt

Limited extensions to existing residential properties are considered acceptable under policy GB2A and outbuildings of a large scale are frequently acceptable without consent, however, the provision of a new dwelling in the Green Belt is contrary to policy unless very special circumstance is demonstrated, therefore had the applicant applied for a new dwelling originally, this would have been unacceptable in policy terms.

Policy GB8A permits the conversion of existing buildings within the Green Belt to other uses subject to the proposals meeting the following criteria:

- i) the building is capable of conversion without reconstruction
- ii) the proposal would not have a greater impact than the present use on the Green Belt
- iii) the use and associated traffic would not be detrimental to countryside amenities
- iv) works have not be carried out within the last 10 years with a view to securing any other use than that permitted
- v) the use will not impact the vitality or viability of town centres.

The building as constructed is capable of independent use with few alterations required. The proposed structure would have minimal additional impact on the Green Belt as it already benefits from consent for ancillary residential occupation within the garden area associated with Greenacres. Traffic increases would be negligible and as a residential use no impact would be made of the viability of Town Centres.

However, with regard to what intentions were underlying the development when it was carried out, this is less clear. Members should consider that the site has an extensive history attempting to secure additional residential properties on the site and that whilst the structure has been erected as an annex, it has never been occupied as such as the intended user passed away prior to occupation in 2003. Officers note that the consent permitting the annex was intentionally restricted by S106 to prevent the independent occupation. Records indicate initial inspections by the building control service took place on 8th Sept 1999 with a completion certificate issued on 14th June 2002. Records also include a preliminary enquiry from the applicant dated 3rd November 1998. This requested advice regarding the conversion of the existing outbuilding (not yet permitted as an annex) for use as a dwelling. This letter sought a view on the change of use on the grounds that the applicant was approaching retirement and sufficient access and parking is available.

Mindful of the above details held on record Officers are not convinced works were carried out with a view for a sole use as ancillary annex accommodation as permitted, and that a new dwelling in the Green Belt is unacceptable in principle unless very special circumstances are demonstrated.

The applicant has put forward details regarding personal circumstances, namely issues relating to poor health result in difficulties negotiating stairs, the financial circumstance of now adult children and outstanding financial commitments. Officers are of the view that whilst unfortunate, the personal circumstances of the applicant are insufficient to represent very special circumstance to justify the creation of a new dwelling in the Green Belt, albeit created from an existing structure with ancillary residential use. The circumstances put forward by the applicant could be catered for in one of many single storey units of accommodation in the local area without the need to allow further residential occupation in the Green Belt and the circumstances put forward are not considered to be very special in that the circumstances are akin to that of many residents within the District.

Officers note that the original decision required the S106 agreement to prevent independent occupation which is now sought and that should Members wish to approve this application then it should be referred to DDCC for decision as it is contrary to policy.

Design and appearance

The proposals would remain unchanged from the external appearance that presently exists and as a result have no greater impact on either the street scene or open character and appearance of the Green Belt than the present annexe.

Neighbouring Properties

Neighbouring properties would not be impacted to any greater extent in terms of actual overlooking from the independent occupation of the building as opposed to the occupation in association with Greenacres. However there is a perception of increased overlooking, but this is not considered to significantly detract from neighbouring amenity.

Conclusion:

After consideration of the matters above, Officers recommend refusal as the creation of a new dwelling in the Green Belt is unacceptable, the S106 was implemented to prevent independent occupation, the circumstances set out by the applicant are not considered sufficient to provide very special circumstances and as details held on file indicate that there has been a continuous pressure to develop this plot since the late 1970's. Policy context has not altered with regard to new dwellings in the Green Belt therefore refusal is recommended.

Should Members wish to approve this application and remove the S106 agreement then it is recommended this decision be referred to DDCC as it is contrary to policy.

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:

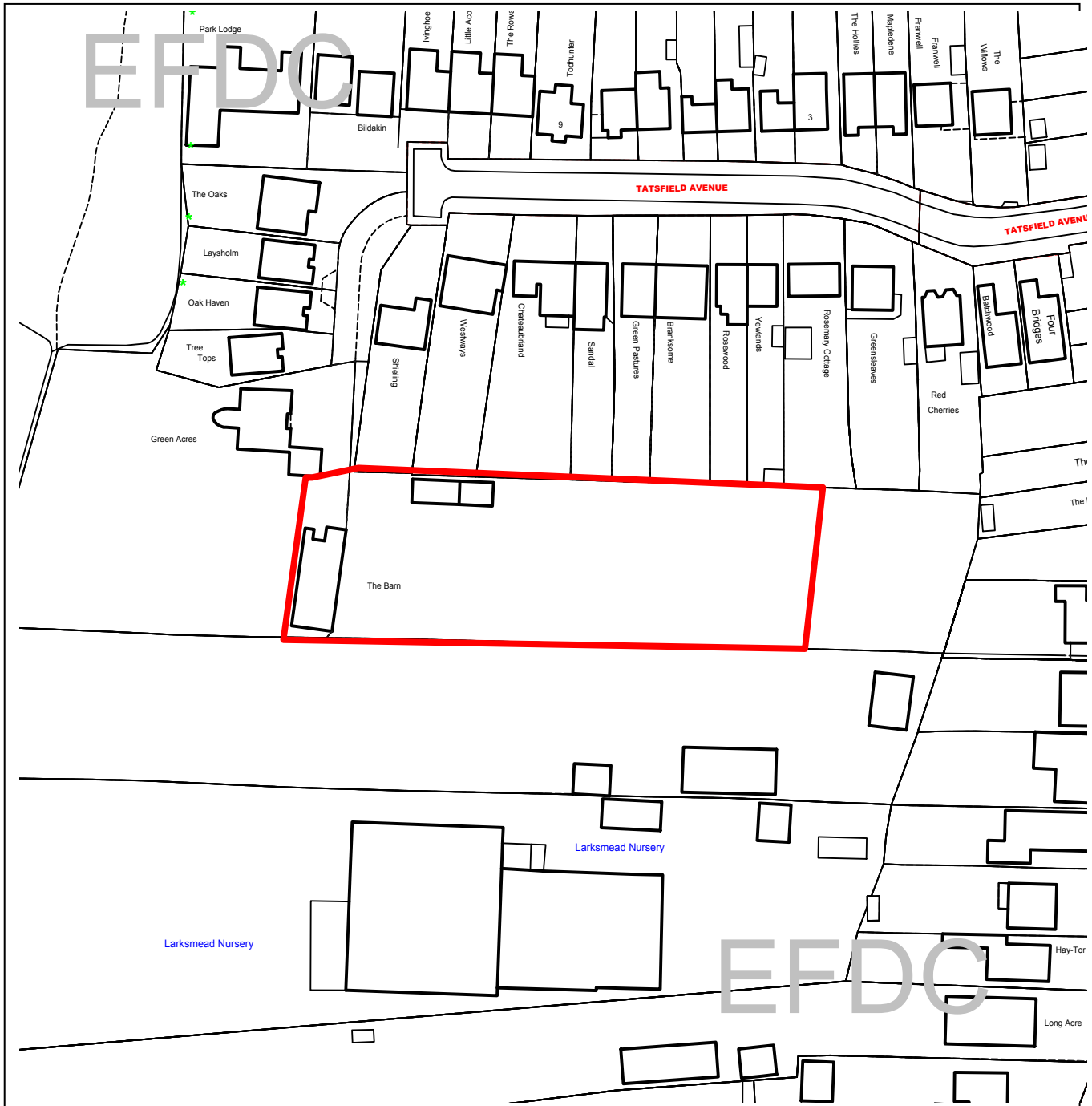
***Planning Application Case Officer: Jenny Cordell
Direct Line Telephone Number: 01992 564294***

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



Epping Forest District Council

Area Planning Sub-Committee West



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Agenda Item Number:	1
Application Number:	EPF/1452/10
Site Name:	Greenacres, Tatsfield Avenue Nazeing, EN9 2HH
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/2116/10
SITE ADDRESS:	Rosedale Sedge Green Roydon Essex CM19 5JR
PARISH:	Roydon
WARD:	Lower Nazeing Roydon
APPLICANT:	Mrs R Cannatella
DESCRIPTION OF PROPOSAL:	Removal of agricultural occupancy condition on EPO/0156/72.
RECOMMENDED DECISION:	Grant Permission

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=522172

CONDITIONS

NONE

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:

Consent is being sought for the continued occupation of the dwelling without compliance with the agricultural condition placed upon planning consent EPO/0156/72.

Description of Site:

Detached dwelling located on the eastern side of Sedge Green. The application site was previously a dwelling used in connection with Low Hill Nursery, however has since been split off from this site with only part of the adjacent nursery remaining within the applicants ownership.

Relevant History:

EPO/0156/72 - Details of agricultural dwelling
EPF/0413/74 - Proposed rear extension to form playroom – approved/conditions 23/09/74
EPF/0287/76 - Proposed addition of two bedrooms to existing house – approved/conditions 26/04/76
EPF/0790/82 - Single storey rear extension – approved/conditions 23/07/82
EPF/1064/84 - Domestic garage (4 cars) – approved/conditions 15/10/84
EPF/1159/92 - Erection of agricultural workers dwelling – refused 09/02/93

EPF/1255/94 - Erection of a porch and creation of a vehicular crossover – approved/conditions 07/02/95

EPF/0147/00 - Outline application for the erection of an agricultural workers hostel for 4 workers (class C1) – refused 17/03/00

EPF/0029/08 - Erection of replacement dwelling and garage (the Office Bungalow) – approved/condition 06/03/08

EPF/1418/09 - Continued occupation of dwelling without compliance with agricultural occupancy condition on EP0/0156/72 – refused 13/10/09

Policies Applied:

GB2A – Development within the Green Belt

GB17B – Removal of agricultural occupancy conditions

Summary of Representations:

6 neighbouring properties were consulted.

PARISH COUNCIL – Object as the parish council believes that the pre-discount valuation of the property was too high and therefore the discount was not sufficient to attract any buyers. In the immediate area, nursery extensions have been approved recently – some of these have workers living in caravans on site. The demand for subsidised accommodation still exists.

Issues and Considerations:

In 2009 a planning application was received for the removal of the agricultural occupancy condition, which was refused on the following grounds:

Due to deficiencies in the marketing of the property, with particular regard to the asking price of the dwelling and failure to advertise the dwelling unrelated to the adjoining glasshouse land and pack house, the Local Planning Authority is not satisfied that it has been clearly demonstrated that need for an agricultural workers dwelling no longer exists in the locality. The proposal is therefore contrary to policies GB2A and GB17B of the Adopted Local Plan and Alterations.

Policy GB2A of the Local Plan establishes the general principles of development within the Green Belt and allows for the erection of a dwelling for an agricultural, horticultural or forestry worker where it has been proven that such a dwelling is required. Policy GB17B sets the principles for removal of an agricultural occupancy condition. This sets out the requirements that must be undertaken/justified before the removal of an agricultural occupancy condition is permitted. Within the previous application it was concluded that there is no longer a functional need for the dwelling on the holding; sufficient evidence was provided showing that there is no longer a need for this type of dwelling in the locality; and a survey of the agricultural community was carried out to assess the existing agricultural need in the locality for the dwelling (although there were deficiencies in this relating to the general marketing problems outlined below). A copy of '**Issues and Considerations**' and '**Conclusion**' of the previous Delegated Report regarding EPF/1418/09 are attached below with regards to this.

The reason for refusal in the previous application primarily related to the marketing that was undertaken. The property was previously marketed between May 2008 and June 2009 with an initial asking price of £670,000, which was reduced throughout the marketing period to £650,000 and £635,000 with the final asking price being £629,000. A review of other similar dwellings in the area revealed that these are primarily marketed in excess of £1 million, however a valuation of this property revealed that it was not up to the standard of the £1 million plus homes. A specific open market valuation of this dwelling was estimated at £950,000.

The asking price of the dwelling as previously marketed ranged from between 30% and 33% of the asking price, which is below the requirement of policy GB17B that clearly states that the asking price of the dwelling should be **at least 40%** below its general housing market value. Based on the valuation of the dwelling this would require a maximum asking price of £570,000.

It was previously argued that the higher asking price reflected the addition of the pack house and adjoining agricultural land for sale, which equated to the additional £100,000. By only marketing the site as “*a substantial 6 bedroom house with gardens to front and rear, 1 acre of glasshouses and a pack house*” this was considered to severely restrict the potential interest in the dwelling as agricultural workers from existing sites (or who do not require glasshouse land or a pack house) would likely be uninterested in this property. Furthermore the addition of the land and pack house considerably raised the asking price of the site, and therefore would have further excluded potential buyers on a lower budget.

To address this refusal it was agreed between the applicants and Planning Services that the property needed to be remarketed for at least 6 months without the inclusion of the pack house and agricultural land and at an asking price of 40% below the open market value. It was also agreed that anybody who previously enquired be written to informing them of the new situation.

The property was remarketed between November 2009 and September 2010 with an asking price of £550,000, which is 42% less than the previously estimated open market value of the dwelling. This marketing just related to the dwelling and associated garden areas and not the adjacent agricultural land and pack house. Furthermore, all previously interested parties were written to informing them of this change of situation.

It is stated that throughout this additional marketing period no interest has been expressed to view the property and no offers have been made. As such, it is now considered that sufficient marketing has been undertaken to overcome the previous reasons for refusal.

The parish council have objected to the application as they state that within the immediate area nursery extensions have been recently approved and some of these have workers living in caravans on site. As such they consider that the demand for subsidised accommodation still exists. Whilst some nurseries within the surrounding area are known to contain caravans, these primarily relate to seasonal worker accommodation and as such their residents would not be in the position to purchase a permanent six bedroom house in this price range. As such it is considered that the survey work and marketing undertaken by the applicant is sufficient to show that there is no requirement for this dwelling in the surrounding area.

Conclusion:

Given the remarketing of the dwelling without the adjacent pack house and agricultural land, and at a price 42% below the open market value of the property, it is considered that the previous reasons for refusal have sufficiently been dealt with. As such the proposal now complies with policies GB2A and GB17B and is therefore recommended for approval.

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: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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

EXTRACT OF DELEGATED REPORT RE: EPF/1418/09

Issues and Considerations:

The main issue with this application is whether or not a sufficient case (with the appropriate justification) has been made to establish whether or not the agricultural occupancy condition should be removed from the property.

Policy GB2A of the Local Plan establishes the general principles of development within the Green Belt and allows for the erection of a dwelling for an agricultural, horticultural or forestry worker where it has been proven that such a dwelling is required. Policy GB17B sets the principles for removal of an agricultural occupancy condition. This sets out four requirements that must be undertaken/justified before the removal of an agricultural occupancy condition is permitted. These are the following:

- (i) There is no longer a functional need for the dwelling on the holding.
- (ii) There is no longer a need for this type of dwelling in the locality.
- (iii) The dwelling has been marketed with its agricultural occupancy condition status made clear throughout for a minimum of one year. The marketing must include:
 - (a) 'For Sale' signage visible from the highway;
 - (b) Local newspaper advertising on a regular basis throughout the marketing period,
 - (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.

With regards to the above requirements:

- (i) The planning appraisal submitted with this application states that the dwelling is no longer attached to an agricultural holding, as the holding has been sold to the applicants sister and brother-in-law, who do not require an agricultural dwelling on site as they own and occupy a property called 'Nazelow' opposite the site, which is itself subject to an agricultural occupancy condition. The submitted location plan shows the packing shed, an area of glasshouses and the Office Bungalow as being in the ownership of the applicant, and reference is made in the marketing documentation to the attached land. However a recent planning application has been received by the LPA referring to the land outside of that edged in red, and appears to now be in the ownership of a different applicant. Due to this the dwelling is no longer connected to an agricultural holding or horticultural business, and as such there is no longer a need on this particular holding for an agricultural property.
- (ii) Figures have been provided by the applicant relating to a general fall in agriculture in the district and a 23% fall in labour since 1990, of which there has been a 24% drop in full time agricultural employees. Furthermore a questionnaire was sent to 165 farmers within an 8km radius of the application site. 21 replies were received however none of these required an agricultural dwelling at this particular location.
- (iii) It is stated within the submitted planning statement that the property was marketed since May 2008 with an initial asking price of £670,000. A review of other similar dwellings in the area reveal that these are primarily marketed in excess of £1 million, however a valuation of this property revealed that it was not up to the standard of the £1 million plus homes. A specific open market valuation was estimated at £950,000. It is stated within the submitted 'Acorus Report' that *"it is normal to devalue tied dwellings by 25% - 30% to reflect the tie"*, however policy GB17B clearly states that the asking price

of the dwelling should be **at least 40%** below its general housing market value. Based on the valuation of the dwelling this would require a maximum asking price of £570,000.

The initial asking price for the dwelling was £670,000, this was reduced throughout the marketing period to £650,000 and £635,000 with the final asking price being £629,000. This is considerably above the required asking price with sufficient discounting and therefore fails to comply with GB17B.

An additional argument for a higher asking price is that the valuation takes into account the additional pack house and land indicated blue on the location plan. Whilst it is understandable that the applicant would advertise to sell the entire area of land it is considered that the dwelling should also have been marketed unrelated to the adjoining land. By only marketing the site as "*a substantial 6 bedroom house with gardens to front and rear, 1 acre of glasshouses and a pack house*" this is severely restricting the potential interest in the dwelling as agricultural workers from existing sites (or who do not require glasshouse land or a pack house) would likely be uninterested in this property. Furthermore the addition of the land and pack house considerably raised the asking price of the site, and therefore would have further excluded potential buyers.

In terms of the breadth of advertising (Farmers Market, Farmers Trader, Local Newspapers and various websites) this is considered sufficient, and it is stated that a 'For Sale' sign was displayed throughout the marketing period. Furthermore, in March 2009 the wording of the advertising was altered to include "*the property might be suitable for sub-division subject to planning permission*". Whilst the statement regarding sub-division was not in place throughout the marketing period, it is considered that advertising as such for the last few months is acceptable. Notwithstanding this, it is considered unlikely that anybody interested in a large property such as this to sub-divide (presumably to house casual labourers, which the Acorus report shows has increased 12% since 1990) would require the additional glasshouse land and pack house.

- (iv) The survey undertaken, referred to under (ii) above, would comply with this requirements of GB17B, and is therefore considered acceptable.

Conclusion:

Given that the market value of the application site was above that required through a 40% reduction on open market value, and as it was marketed with the adjoining glasshouse land and pack house rather than as an individual property, it is considered that this site has not been sufficiently marketed and therefore fails to comply with GB2A and GB17B (iii). Due to this the application is recommended for refusal.

EXTRACT OF DELEGATED REPORT RE: EPF/1418/09



Epping Forest District Council

Area Planning Sub-Committee West



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Agenda Item Number:	2
Application Number:	EPF/2116/10
Site Name:	Rosedale, Sedge Green, Roydon CM19 5JR
Scale of Plot:	1/1250