

## Extract from the Area Planning Subcommittee March 2013

<b>APPLICATION No:</b>	EPF/2404/12
<b>SITE ADDRESS:</b>	New House Farm Little Laver Road Moreton Ongar Essex CM5 0JE
<b>PARISH:</b>	Moreton, Bobbingworth and the Lavers
<b>WARD:</b>	Moreton and Fyfield
<b>APPLICANT:</b>	Mr Jim Collins
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use of units 2a, 3a and 7C1 to Class B2 use and alterations to previously approved lean to extensions (EPF/0359/08) to facilitate change of use
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=544170](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=544170)

### CONDITIONS

- 1 The operating hours and any deliveries associated with the uses hereby approved shall not take place outside the following hours:- 08.00 - 18.00 hours Monday to Saturday and 09.00 - 13.00 on Sundays and Bank Holidays.
- 2 No external storage or working outside shall take place at any time in connection with the uses hereby approved unless otherwise agreed by the Local Planning Authority.
- 3 The rating levels of noise emitted from the units hereby approved shall not exceed the existing background level by more than 5dB between the permitted hours of operation. The noise levels shall be determined at the nearest residential premises and measurements shall be taken in accordance with BS4142:1997.
- 4 The uses hereby approved shall be contained within the buildings outlined on the submitted plan No 1198/1B and there shall be no further conversions of buildings at the site to non agricultural commercial activities, other than those approved by this application or application EPF/2405/12, including "building 5" currently in use for ancillary agricultural storage.
- 5 The premises referred to on the approved plan No 1198/1B as Units 2A, 3A and 7C1 shall be for the following stated B2 purposes, 2A Pitfield Brewery, 3A Joinery Workshop, 7C1 Vehicle Restoration, and for no other purpose in Use Class B2 of the Schedule to the Town & Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order).

- 6 Within four months of the date of this decision, details of equipment to suppress and disperse fumes and odours emitting from unit 3A shall be submitted to the Local Planning Authority for approval. The equipment shall be installed within three months as agreed. The equipment shall be effectively operated and maintained for as long as the use continues.
- 7 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 8, Class A shall be undertaken without the prior written permission of the Local Planning Authority.

*This application is before this Committee since it is an application that is considered by the Director of Planning and Economic Development as appropriate to be presented for a Committee decision (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(k)) and since; it is for a type of development that cannot be determined by Officers if more than four objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(f).)*

#### **Description of Site:**

Newhouse Farm occupies a substantial site on the eastern side of Little Laver Road which is within the boundaries of the Metropolitan Green Belt. The site includes a large number of utilitarian farm buildings set in a farmyard setting some of which have been built in recent years and some which are much older structures. The farmhouse building is a Grade II listed house. The immediate area is sparsely populated but there are some residential properties on the opposite side of the road adjacent to the farm. The immediate area is typically rural in nature, characterized by narrow laneways and open swathes of arable farmland.

#### **Description of Proposal:**

The applicant seeks consent retrospectively for the change of use of a number of buildings at Newhouse Farm to a use with Class B2 of the Use Classes Order 1987, as amended. Plan Number 1198/1 has been submitted which outlines the buildings to be considered for this use type under this application. These include;

Building 2A – Occupied by Pitfield Brewery. This building is an older style utilitarian agricultural building.

Building 3A – Occupied by Cube Joinery, this building is also an older style agricultural building.

Building 7C1 – Occupied by a car restoration use. This building was originally approved as a lean to off the grain store at the site and for the purposes of housing cattle and farm machinery (EPF/0359/08).

#### **Relevant History:**

There is an extensive history to the site including another application for a change of use of buildings to B8 and a grain store (EPF/2405, 2406/12) and a Certificate of Lawfulness (CLD) for the use of a separate building as a B2 use (Aspects Joinery) EPF/2407/12. The most relevant and recent history other than these applications includes;

EPF/1765/02 - Erection of agricultural grain store. Grant Permission - 21/10/2002 (Not built).  
EPF/0024/05 - Erection of steel portal framed strawed yard building for cattle and reorient proposed grain store previously approved on 21.10.02 under ref EPF/1765/02 (Building 6).  
EPF/0359/08 - Lean to extensions on existing agricultural grain store to house cattle and farm machinery. Grant Permission (With Conditions) – 01/04/08 (buildings 7A, 7C1, 7C2).  
EPF/1549/08 - Erection of a steel portal framed agricultural machinery store. Grant permission (with conditions) – 24/09/08.  
EPF/2517/11 - Erection of an agricultural steel portal framed purpose designed grain storage building. Withdrawn by the applicant – 28/08/12.  
EPF/0863/12 - Retrospective application for change of use of agricultural buildings for the stabling of horses and construction of a manege. Grant Permission (with conditions) – 28/06/12 (Building 4A).  
EPF/0864/12 - Retrospective application for the change of use of redundant agricultural buildings for commercial activities including brewery, carpentry workshops and commercial storage facilities. Withdrawn by the applicant – 28/08/12.

### Enforcement

ENF/0064/12 - Use of farm buildings for commercial uses including Micro Brewery, storage (commercial). Current Investigation.

### Policies Applied:

GB2A – Development in the Green Belt  
GB7A – Conspicuous Development  
GB8A – Change of Use or Adaptation of Buildings  
DBE2 – Effect on Neighbouring Properties  
DBE9 – Loss of Amenity  
RP05A – Potential Adverse Environmental Impacts  
HC12 – Development Affecting the Setting of a Listed Building  
CP1 – Achieving Sustainable development Objectives  
CP2 – Protecting the Quality of the Rural and Built Environment  
CP3 – New Development  
E12A – Farm Diversification  
ST4 – Road Safety  
ST6 – Vehicle Parking

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 214 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

### SUMMARY OF REPRESENTATIONS:

10 neighbours consulted and a site notice displayed – 4 replies received.

*An objection letter has been received from Stephen Hayhurst, Planning Consultant, representing a number of neighbours in the near vicinity of the site. The contents of the letter will be addressed in the main body of this report.*

FRUIT FARM COTTAGE: Objection. The recent developments at Newhouse Farm have led to a great increase in traffic from farm vehicles which are expected and of course are acceptable. However, over the last several years, more and more commercial activity has developed in the farm yard. There are cars, transit vans and heavy goods vehicles coming and going which are very disturbing and upsetting to we who live opposite. There is a carpenter's workshop which, although

it has never had planning permission, causes no trouble, nor does the brewery which from time to time has large vehicles attending. The commercial activity not only affects me and my neighbours at Moreton House, but all those who live in Little Laver Road.

The considerable increase in traffic and in particular the heavy goods vehicles have destroyed the road, which cannot accommodate them. The verges have been wrecked and deep ditches formed. It is not possible to pass another car or van without moving in to the side. When faced with one of these enormous vehicles there is nowhere to go without reversing in the hope of finding somewhere safe to move in to. This road is in an appalling state and becoming worse. There are no proper passing places, it is never repaired or gritted and has become increasingly dangerous for cars, cyclists and pedestrians whatever the weather. These vehicles should not be allowed on such a road. A new grain store would mean even further development on Green Belt land and no doubt more commercial activity using existing grain stores. So many recently erected buildings, altered and said to be needed for farming are now claimed to be redundant. It seems to me to be disgraceful that none of these could be used to change to a modern grain store. How many more buildings can be erected for farming, claimed to be redundant and then receive retrospective planning permission for commercial activities? I do not object to small scale commercial businesses which provide work for local people but I oppose the development which has affected me considerably and would become worse if these applications were approved.

HILL FARM: Objection. We are writing in particular to make an objection to the commercial use of the barns at New House Farm. We have noted numerous forty feet container lorries going to and from New House Farm along Little Laver Road which is a very narrow country lane where they are causing severe damage to drains, verges & creating deep ruts on the side of road. The corner on the junction of Little Laver Road & Church Road has been severely damaged in particular on the corner of the Hill Farm property. In the past our property has been flooded due to damaged drains and we certainly do not want that to happen again.

MORETON HOUSE: Objection. Change of use of recently constructed agricultural buildings to commercial use has resulted in increased traffic movements down an unsuitable road and an inappropriate change of character of the farm causing disturbance to the residents of Little Laver Rd and blight to the road and its verges.

Building 3A still carries out spraying and continues to emit paint fumes directly into my garden and we are disturbed by the noise of the fan. The use of the brewery (2A) and joinery (1C) do not cause any significant problems as they occupy what can be considered truly redundant farm buildings ie over 30 years old and do not appear to have any use for agriculture. As long as conditions such as no working or storage to be done outside, and there is a limitation on the number of hours worked ie Monday to Friday 9am - 5pm and Saturday 9am - 1pm and no working on a Sunday we have no issue with these uses.

SCOTTS FARM: Objection. We object to the application on the grounds that storage already exists for grain but is currently used for other purposes other than farming. We also object as additional heavy vehicle traffic in Little Laver Road is already increasing with damage to the verges and the tracks of the vehicles are no longer confined to the metalled surface. The fire hydrant cover on the corner of Little Laver Road and Church Road has been damaged by lorries as has the country signpost.

The road is now unsafe for residents to travel on as there are no passing places to facilitate large lorries and is frightening for me when I have to collect my grandchildren from school only to have to back up a long way down a narrow road to get out of the way of a lorry facing me.

PARISH COUNCIL: No Objection. However we would request that if the application is approved an alteration to the extraction equipment on unit 3A is agreed by condition and is as detailed in the Design and Access Statement at paragraph 3.8.

## **Issues and Considerations:**

The main issues to consider are the impact of the proposed change of use on the Metropolitan Green Belt, neighbour amenity and the adjacent listed building. The comments of consultees, agents, the planning history of the site including the concurrent applications and comments received from neighbours will also be assessed.

### **Green Belt Considerations**

This series of applications follows a recent application to change the use of a number of buildings at the site to various uses (EPF/0864/12). This followed the original application for a grain store (EPF/2517/11). During the process of determining the application for the grain store it became apparent that unauthorised development had taken place at Newhouse Farm. The previous applications were deferred at committee for a members site visit. Such a site visit was subsequently undertaken and the two applications were withdrawn by the applicant. The current applications are a general repackaging of the proposals. An application for a Certificate of Lawfulness for the use of part of the site by Aspects Joinery (B2) will be assessed on this strictly legal matter and as such the planning merits of the development have no part to play in the determinations. This application relates to other B2 uses currently in operation at the site. The twin application (EPF/2405/12), which will be assessed under separate cover, and relates to B8 practices at the farm. The application for a grain store (EPF/2406/12) makes up the final application.

The recent history at the site is relatively complex but it is readily apparent that the overall character of Newhouse Farm has changed in recent times. The changes have been largely twofold. Firstly a diversification in farm practices brought about by the decision to switch production from organic farming to conventional farming. The farm now produces various non organic cereals but organic farming had also required the need for livestock. This change has resulted in buildings constructed for the housing of the livestock being no longer needed and as conventional farming produces a much greater yield than organic, there is a need for further grain storage facilities at the site. It is contended that the units constructed for cattle are not suitable for grain storage.

The second major change is that the "redundant" farm buildings i.e. the former cattle buildings have been put to various other uses, along with other buildings at the site. As stated, the history is quite complex and may involve some repetition between reports in order to ensure a complete picture, but certainly involves the consideration of all the reports. However the first issue to determine is whether the current use of the buildings specific to this application are in compliance with local and national policies. It is useful to consider the overall principle before addressing each individual use at the site.

### **Green Belt Principle**

The report on the proposal presented before committee in August 2012 generally concluded that the reuse of the buildings for other purposes was in compliance with local and national policies for the reuse of redundant farm buildings. Some of the issues raised at this time will be repeated below, although bolstered by the volume of reports that have subsequently been produced, to aid a reasoned determination of development at this site.

Policy GB8A of the adopted Local Plan outlines the criteria against which the change of use or adaptation of buildings in the Green Belt should be judged. The National Planning Policy Framework (NPPF) which is now adopted and a material planning consideration also makes reference to the change of use or adaptation of buildings in the Green Belt. Paragraph 28 of Section 3, "Supporting a Prosperous Rural Economy", promotes the "sustainable growth and expansion of all types of business and enterprise in rural areas...through conversion of existing

buildings. Paragraph 90 of section 9, "Protecting Green Belt Land", states that the re-use of existing buildings is not inappropriate development if they are of permanent and substantial construction. The NPPF also relates an overriding aim of a "presumption in favour of sustainable development" with three strands outlined – economic, social and environmental.

The main issues in this case with regards to the criteria in Policy GB8A are; that the building is of substantial construction capable of conversion and the works were not carried out with the view of securing another use, that the use would not have a materially greater impact on the Green Belt, associated traffic generation is not excessive and the proposal would not have a detrimental impact on the vitality and viability of local town centres.

Policy GB8A firstly requires that the building is of substantial construction capable of conversion. The buildings have all been constructed in a manner which makes them easily converted to B2 uses. Although some of these buildings have been constructed in recent years the Local Planning Authority must take the view that they were constructed with a view to progressing the agricultural business at that time at the site and owing to changes in work practices are now no longer suitable. The agent representing the neighbours is sceptical of the view that what has occurred has been dictated by decisions relating to the best way for the farm enterprise to progress. He cites concerns that in previous applications organic farming has not been mentioned, that the lean to's were never constructed as such and were occupied by other uses soon after, were therefore built with a view to securing another use and that enclosing the sides and shutter doors was operational development under Section 55(2) of the Town and Country Planning Act 1990.

Aerial photographs suggest that the buildings were at least originally built to house cattle, albeit this would only have been for a short time. The applicants agent contests the view that the infilling and shutter doors is operational development citing *Burroughs Day v Bristol City Council 1996*, one authority on the issue. Officers formed the view that the infill is operational development having regard to the 1990 Act and the development description has been altered accordingly to include these works. The fact that organic farming was not mentioned in the previous applications is not considered material in this instance and the officers dealing with the previous applications would have considered all matters material. Officers would still form the view that this building is now redundant for the type of farming being carried out at the holding, a view supported by the Agricultural Consultant, and having regard to other policies and local plan objectives its reuse in principle is acceptable. In any case there is no requirement for the applicant to prove that the buildings are redundant before an alternative use can be considered. Neighbours are best positioned to offer a view on the issue of organic farming, but there has been no challenging the fact that livestock was present at the site. A degree of scepticism is however understandable and Members may form a contrary view than the view expressed here.

Policy GB8A also requires that the use would not have a materially greater impact on the Metropolitan Green Belt. The existing site is a working farm which experiences a reasonable level of traffic volume on a daily basis. This use has not ceased with the conversion of these buildings. The issue is whether the change of use would significantly increase the amount of traffic visiting the site. Traffic studies and general movements to the site have been addressed in reports by both the applicant and the neighbours (EAS and G.H Bullard and Associates respectively). These reach vastly differing conclusions in terms of movements to the site. Essex County Council Highways Section has considered both reports in detail. The conclusion is that the proposals are not contrary to policy or detrimental to highway safety, capacity, or efficiency at this location. The comments received are as follows;

*"Firstly the alarming TRICS figures produced in the EAS report are misleading in the extreme and do not reflect accurately the level of traffic that the existing uses are generating. Indeed as stated in the G H Bullard report the sites used in the TRICS database are not remotely comparable on any level to New House Farm. Furthermore the EAS report clumps all the B2 and B8 units together as a total Gross floor Area (GFA) but the reality is that these are small individual units*

*used by low key operations as can be quite clearly seen by the results of the traffic surveys. The lawful use of the farm can generate significant traffic movements of all vehicle sizes and types associated with the agricultural use at any time of the year. By comparison the existing B2 & B8 uses generate minimal traffic on the highway network. The traffic counts indicate that the farm generated approx. 40 vehicle movements over a 12hr period which equates to less than 4 vehicles per hour; an insignificant number in capacity terms and as shown in the vehicle survey the B2 & B8 uses generate only approx. 20 movements a day with very sporadic deliveries either weekly or fortnightly. It should also be recognised that these small low key uses, by their very nature, do not generate increased HGV movements, this is quite clearly backed up by the figures within the report. Accident data for the last 3 years has been investigated and there have been no recorded accidents on the local network in the vicinity of the site or the surrounding highway network. It is therefore concluded that the B2 & B8 uses generate a negligible increase in traffic on the highway network at this location and will not have any capacity or safety issues as a result. The Highway Authority has no objections to this proposal as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and policies ST4 and ST6 of the adopted Local Plan"*

There is some sympathy for local residents with regards to traffic movements along quiet country lanes and damage to verges. However this must be balanced against what benefits such changes of use bring and the Local Planning Authority as detailed above have been provided with detailed advice on this point. Members will be aware of other similar committee cases where a resolution to grant consent has been the outcome. In such circumstances the view has been taken that the benefits of such developments outweigh any material harm. The joinery workshops are both employing people from the locality and in this regard are making a positive contribution to sustainable economic growth in a small rural area in accordance with NPPF policy. Movements to and from the site for this reason as detailed above would not be excessive. The micro brewery makes a similar contribution.

Therefore having regard to all relevant considerations in both local and national policy, on balance, these uses are deemed an appropriate reuse of agricultural buildings. It is now useful to consider the individual characteristics of each use applied for against such issues as neighbour amenity.

#### Pitfield Brewery

The brewery is located to the front of the site adjacent to Little Laver Road and is contained in an "old style" farm building. There is no serious dispute that this building is not readily suitable for grain storage and indeed neighbour/agent representations are generally supportive of the continuation of this business at the site, subject to suitable conditions. The Local Planning Authority has employed the services of an Agricultural Consultant and the advice with regards to the use of this building for grain storage is that it is generally not suitable. The principle of its reuse is therefore accepted in line with the preceding analysis.

The applicant makes the case that the brewery could be an ancillary development to the overall use of the site for farming, as barley is grown on the holding. No detail is provided to augment this claim. The court case quoted, Millington v Secretary of State for the Environment, Transport and the Regions 1999, refers to wine production at a holding growing grapes as being an ancillary activity. This development has at least the potential to be ancillary to agriculture if a fleshed out argument was made. However this is not the issue before Members and restrictions on the proposed use must therefore be considered. Subject to conditions controlling hours of operation, outside storage and noise ratings this use is deemed acceptable.

#### Cube Joinery

The supporting statement outlines how Cube Joinery has been resident at the site in Building 3A since 2006. Again this building is not suitable for grain storage but could be used for some form of

storage ancillary to agriculture. The use is located some 20.0m from the boundary of Moreton House, a large dwellinghouse with an extensive residential curtilage. The building is some 45.0m from the main house. Concern has been expressed that the uses at the site, particularly the current extraction equipment on unit 3A, has been causing a nuisance to the occupants of Moreton House. It has been stated in the previous report to committee that noise from a working farm is to be expected. It is accepted that the other uses may have increased this level of noise, however a condition controlling the level of noise emitting from the individual uses would control matters to an acceptable level.

It is conceivable the fumes from unit 3A would be drifting towards the garden area of Moreton House. There are no records with the Environmental Health Section of the Council of this having previously caused a serious nuisance prior to this enforcement investigation. It is recognised that the use of the site would result in some loss of amenity from fumes. However the property is served by an extensive curtilage and the dwelling is a reasonable distance from the use. The Agent for the applicant has indicated that there is a willingness to install a new extraction system. It is considered that the opportunity to improve on the extraction equipment should not be passed and a condition agreeing such an upgrade is deemed reasonable and necessary. This condition, along with other "nuisance controlling" conditions render this element of the proposal acceptable.

#### Unit 7C1

Unit 7C1 forms part of the larger Unit 7. The building is occupied by a use carrying out car restorations. This building is in an isolated location in terms of any neighbours and subject to suitable conditions it is deemed an acceptable reuse for the building.

#### Listed Building

The main farmhouse on the site is a listed building. However the conversion of existing buildings would have no material impact on the setting of this building.

#### **Conclusion:**

The proposed use of these buildings when considered against local and national policy is deemed appropriate. The proposal for more built form at the site will be considered under a separate application. The views of neighbours and their concerns with regards to traffic movements, damage to the road network and general impact on amenity are noted. It is considered that to some degree these concerns can be controlled by conditions. This decision must be taken having regard to all matters material including national policy which promotes rural economic development. Having regard to all matters it is recommended that this application is approved with conditions.

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

***Planning Application Case Officer: Mr Dominic Duffin  
Direct Line Telephone Number: (01992) 564336***

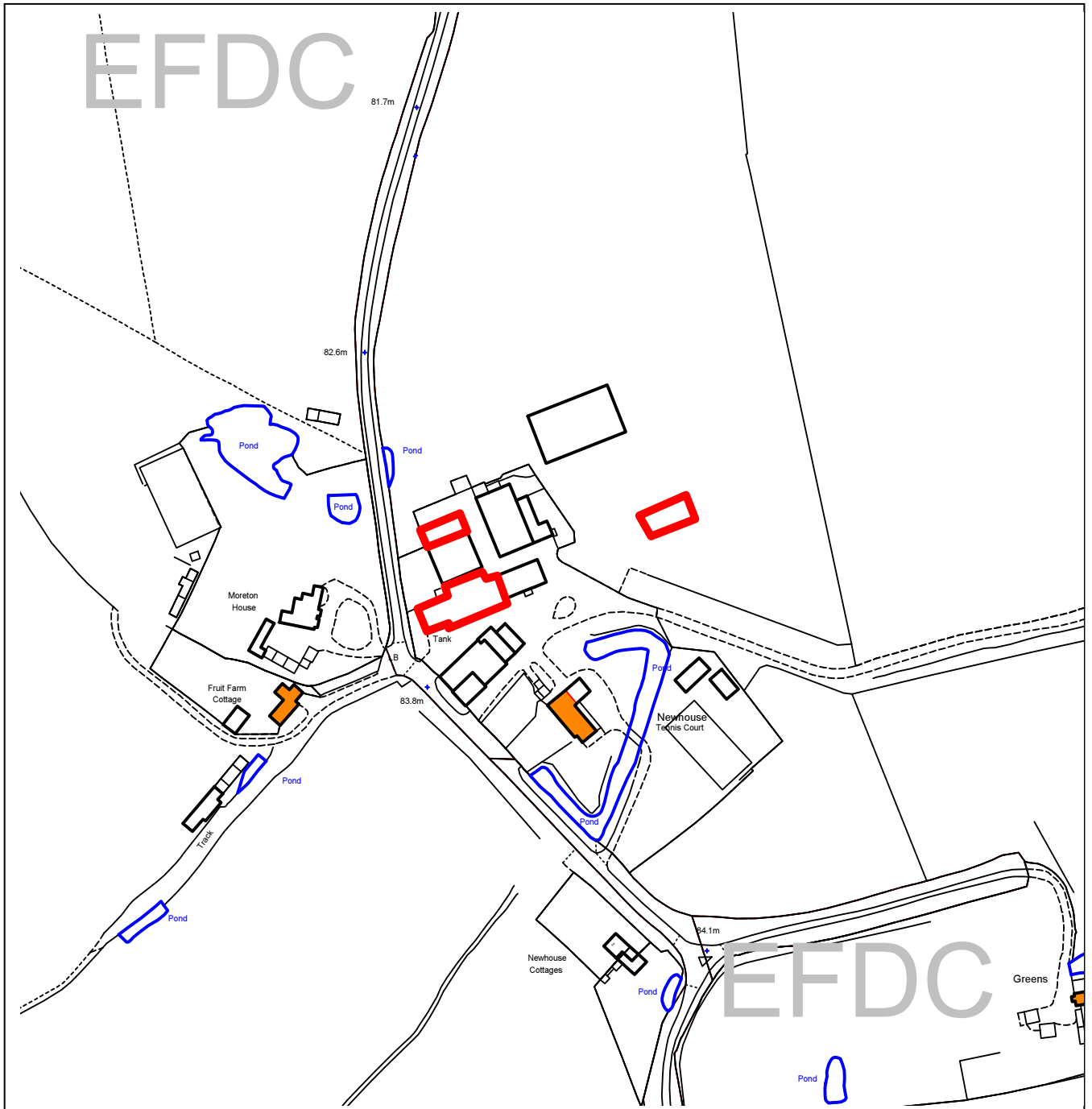
***or if no direct contact can be made please email:  
[contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***





# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>6</b>
Application Number:	EPF/2404/12
Site Name:	New House Farm, Little Laver Road Moreton, CM5 0JE
Scale of Plot:	1/2500

**Report Item No: 7**

<b>APPLICATION No:</b>	EPF/2405/12
<b>SITE ADDRESS:</b>	New House Farm Little Laver Road Moreton Ongar Essex CM5 0JE
<b>PARISH:</b>	Moreton, Bobbingworth and the Lavers
<b>WARD:</b>	Moreton and Fyfield
<b>APPLICANT:</b>	Mr Jim Collins
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use of units 3B, 3C, 7A and 7C2 to a purpose within class B8 and alterations to lean to extensions (EPF/0359/08) and cattle yard building (EPF/0024/05) to facilitate the change of use.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=544171](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=544171)

**CONDITIONS**

- 1 The operating hours and any deliveries associated with the uses hereby approved shall not take place outside the following hours:- 08.00 - 18.00 hours Monday to Saturday and 09.00 - 13.00 on Sundays and Bank Holidays.
- 2 No external storage or working outside shall take place at any time in connection with the uses hereby approved.
- 3 The uses hereby approved shall be contained within the buildings outlined on the submitted plan No 1198/1A and there shall be no further conversions of buildings at the site to non agricultural commercial activities, other than those approved by this application or application EPF/2404/12, including reuses of "building 5" currently in use for ancillary agricultural storage.
- 4 The premises referred to on the approved plan No 1198/1A as Units 3B, 3C 6, 7A and 7C2 shall only be used for B8 purposes and for no other purpose other than a use ancillary to the farming business operating from the site without the prior written approval of the Local Planning Authority.
- 5 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 8, Class A shall be undertaken without the prior written permission of the Local Planning Authority.

*This application is before this Committee since it is an application that is considered by the Director of Planning and Economic Development as appropriate to be presented for a Committee decision (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(k)) and since; it is for a type of development that cannot be determined by Officers if more than four objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(f).)*

### **Description of Site:**

Newhouse Farm occupies a substantial site on the eastern side of Little Laver Road which is within the boundaries of the Metropolitan Green Belt. The site includes a large number of utilitarian farm buildings set in a farmyard setting some of which have been built in recent years and some which are much older structures. The farmhouse building is a Grade II listed house. The immediate area is sparsely populated but there are some residential properties on the opposite side of the road adjacent to the farm. The immediate area is typically rural in nature characterized by narrow laneways and open swathes of arable farmland.

### **Description of Proposal:**

The applicant seeks consent retrospectively for the change of use of a number of buildings at Newhouse Farm to a use with Class B8 (Storage and Distribution) of the Use Classes Order 1987, as amended. Plan Number 1198/1 has been submitted which outlines the buildings to be considered for this use type under this application. These include;

Building 3B & C – Privately let buildings being used for storage. These are older style agricultural buildings.

Building 7A – Being used by Hogg Limited for office furniture storage. This building was approved as a lean to in 2008 for the housing of cattle.

Building 7C2 – Built as a lean to extension in 2008 and currently being used for B8 storage purposes.

Building 6 – Being used by Tabbers (Printers) for paper and material storage. This building was approved as a cattle yard in 2002 (EPF/1765/02) and was originally an open sided structure.

### **Relevant History:**

There is an extensive history to the site including another application for a change of use of buildings to B2 and for the erection of a grain store (EPF/2404, 2406/12) and a Certificate of Lawfulness (CLD) for the use of a separate building as a B2 use (Aspects Joinery) EPF/2407/12. The most relevant and recent history other than these applications includes;

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FRUIT FARM COTTAGE: Objection. The recent developments at Newhouse Farm have led to a great increase in traffic from farm vehicles which are expected and of course is acceptable. However, over the last several years, more and more commercial activity has developed in the farm yard. There are cars, transit vans and heavy goods vehicles coming and going which are very disturbing and upsetting to we who live opposite. There is a carpenter's workshop which, although it has never had planning permission, causes no trouble, nor does the brewery which from time to time has large vehicles attending. The commercial activity not only affects me and my neighbours at Moreton House, but all those who live in Little Laver Road.

The considerable increase in traffic and in particular the heavy goods vehicles have destroyed the road, which cannot accommodate them. The verges have been wrecked and deep ditches formed. It is not possible to pass another car or van without moving in to the side. When faced with one of these enormous vehicles there is nowhere to go without reversing in the hope of finding somewhere safe to move in to. This road is in an appalling state and becoming worse. There are

no proper passing places, it is never repaired or gritted and has become increasingly dangerous for cars, cyclists and pedestrians whatever the weather. These vehicles should not be allowed on such a road. A new grain store would mean even further development on Green Belt land and no doubt more commercial activity using existing grain stores. So many recently erected buildings, altered and said to be needed for farming are now claimed to be redundant. It seems to me to be disgraceful that none of these could be used to change to a modern grain store. How many more buildings can be erected for farming, claimed to be redundant and then receive retrospective planning permission for commercial activities? I do not object to small scale commercial businesses which provide work for local people but I oppose the development which has affected me considerably and would become worse if these applications were approved.

HILL FARM: Objection. We are writing in particular to make an objection to the commercial use of the barns at New House Farm. We have noted numerous forty feet container lorries going to and from New House Farm along Little Laver Road which is a very narrow country lane where they are causing severe damage to drains, verges & creating deep ruts on the side of road. The corner on the junction of Little Laver Road & Church Road has been severely damaged in particular on the corner of the Hill Farm property. In the past our property has been flooded due to damaged drains and we certainly do not want that to happen again.

MORETON HOUSE: Objection. Change of use of recently constructed agricultural buildings to commercial use has resulted in increased traffic movements down an unsuitable road and an inappropriate change of character of the farm causing disturbance to the residents of Little Laver Rd and blight to the road and its verges.

Building 3A still carries out spraying and continues to emit paint fumes directly into my garden and we are disturbed by the noise of the fan. The use of the brewery (2A) and joinery (1C) do not cause any significant problems as they occupy what can be considered truly redundant farm buildings ie over 30 years old and do not appear to have any use for agriculture. As long as conditions such as no working or storage to be done outside, and a there is a limitation on the number of hours worked ie Monday to Friday 9am - 5pm and Saturday 9am - 1pm and no working on a Sunday we have no issue with these uses.

SCOTTS FARM: Objection. We object to the application on the grounds that storage already exists for grain but is currently used for other purposes other than farming. We also object as additional heavy vehicle traffic in Little Laver Road is already increasing with damage to the verges and the tracks of the vehicles are no longer confined to the metalled surface. The fire hydrant cover on the corner of Little Laver Road and Church Road has been damaged by lorries as has the country signpost.

The road is now unsafe for residents to travel on as there are no passing places to facilitate large lorries and is frightening for me when I have to collect my grandchildren from school only to have to back up a long way down a narrow road to get out of the way of a lorry facing me.

PARISH COUNCIL: No Objection. However we would request that if the application is approved Essex County Council are contacted to assess if appropriate positions are available to allow vehicles to safely pass and to allow the free flow of larger vehicles associated with a B8 use.

### **Issues and Considerations:**

The main issues to consider are the impact of the proposed change of use on the Metropolitan Green Belt, neighbour amenity and the adjacent listed building. The comments of consultees, agents, the planning history of the site including the concurrent applications and comments received from neighbours will also be assessed.

### Green Belt Considerations

As stated in the application to convert a number of buildings at the site to B2 uses the reuse of redundant agricultural buildings need not be inappropriate development if in compliance with local and national policy.

Policy GB8A of the adopted Local Plan outlines the criteria against which the change of use or adaptation of buildings in the Green Belt should be judged. The National Planning Policy Framework (NPPF) which is now adopted and a material planning consideration also makes reference to the change of use or adaptation of buildings in the Green Belt. Paragraph 28 of Section 3, "Supporting a Prosperous Rural Economy", promotes the "sustainable growth and expansion of all types of business and enterprise in rural areas...through conversion of existing buildings. Paragraph 90 of section 9, "Protecting Green Belt Land", states that the re-use of existing buildings is not inappropriate development if they are of permanent and substantial construction. The NPPF also relates an overriding aim of a "presumption in favour of sustainable development" with three strands outlined – economic, social and environmental.

The main issues in this case with regards to the criteria in Policy GB8A are; that the building is of substantial construction capable of conversion and the works were not carried out with the view of securing another use, that the use would not have a materially greater impact on the Green Belt, associated traffic generation is not excessive and the proposal would not have a detrimental impact on the vitality and viability of local town centres.

Units 3B and 3C are currently being used for low level storage and there is general acquiescence from all parties that this is a suitable reuse for these buildings. A level of control over the use of these buildings and any future development can be controlled by suitable conditions.

Building 7C2 and 7A were constructed as lean to extensions to house cattle in connection with the organic farming previously operated at the site. It has been accepted that the use of these buildings for grain storage are not particularly suitable. This is on the advice of the Agricultural Consultant engaged by the Local Planning Authority. Therefore the reuse of these buildings in principle is acceptable. The uses of these buildings are general low key storage. It is not envisaged that they would attract large scale movements to and from the site. The position of Officers, as detailed in the report for application EPF/2404/12, is that these lean to's were not constructed with a view to securing another use. The lean to's were capable of conversion without major or complete reconstruction. The applicant's case is that the buildings from his farming perspective are generally obsolete and therefore their reuse in line with other plan policies is acceptable. In this regard storage is highlighted in Policy GB8A as one of the more appropriate uses of redundant agricultural buildings and there is an increased demand to store such things as legal documents. The use can be clearly contained within the agricultural buildings and would not therefore result in open storage. Thus the use would not have a materially greater impact on the open character of the Green Belt. Again it is considered that subject to appropriate conditions the reuse of these buildings is acceptable.

Building 6 was constructed in recent years as a cattle storage facility. If the current building on site is judged for reuse as a B8 premises it generally meets the tests as outlined for buildings 7A and 7C2, notwithstanding whether it could be used for grain storage. The agent representing the local neighbours has raised concerns about this building and the points made are worth considering in detail.

The submission firstly states that the building was not built in accordance with the plans approved under EPF/0024/05, in that the building which was approved had an eaves of 6.0m and the building on site has an eaves of 5.0m. The building was also built in the wrong position. This is the case but if the inference is that this building was built smaller so as not to be suitable for grain storage in the future, this seems unlikely. Even with an eaves height of 6.0m a good case could be

made that the building was unsuitable for grain storage. Particularly if floor drying facilities were also deemed necessary and installed. The point however may be being made that the applicant has a laissez-faire attitude to the planning system and this is another example. The building was constructed approximately 10.0m further forward towards High Laver Road than agreed but in a large scale farmyard setting this change would likely have been deemed acceptable had an application been made.

The agent also makes the point that when the organic farming business demised the applicant should have converted the existing building or demolished it and applied for a grain store as opposed to cladding it and leasing it out. This point is not without substance and will be covered in greater detail in the application for a new grain store. It can't be ignored that the building on site was adapted in order to make it suitable for other uses. It is also a fair comment that the applicant, the former owner of Ashlyn's Farm, would have been aware that the alterations to this building and its change in use would have required a planning application. The opinion that this building was constructed with the view to securing another use is open to debate. However Officers are of the view that the current building on site is suitable for reuse for the said purposes, (albeit that this appears to have been progressed in a clandestine fashion), and that changes to farm practices render it obsolete for this holding.

The issues with regards to highway matters have been covered under applications EPF/2404/12 and the advice provided by Essex County Council Highways Division holds true with regards to this application.

#### Amenity

None of the proposed uses would have any serious impact on the amenities of neighbours and future development can be controlled by conditions.

#### Listed Building

The main farmhouse on the site is a listed building. However the conversion of existing buildings would have no material impact on the setting of this building.

#### **Conclusion:**

The proposed use of these buildings when considered against local and national policy which makes provision for the reuse of agricultural buildings in the Green Belt is deemed appropriate. The proposal for more built form at the site will be considered under a separate application. The views of neighbours and their concerns with regards to traffic movements, damage to the road network and general impact on amenity are noted. It is considered that to some degree these concerns can be controlled by conditions. Concerns with regards to how these buildings became suitable for B8 uses are also noted. This decision must be taken having regard to all matters material including national policy which promotes rural economic development. Having regard to all matters it is recommended that this application is approved with conditions.

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

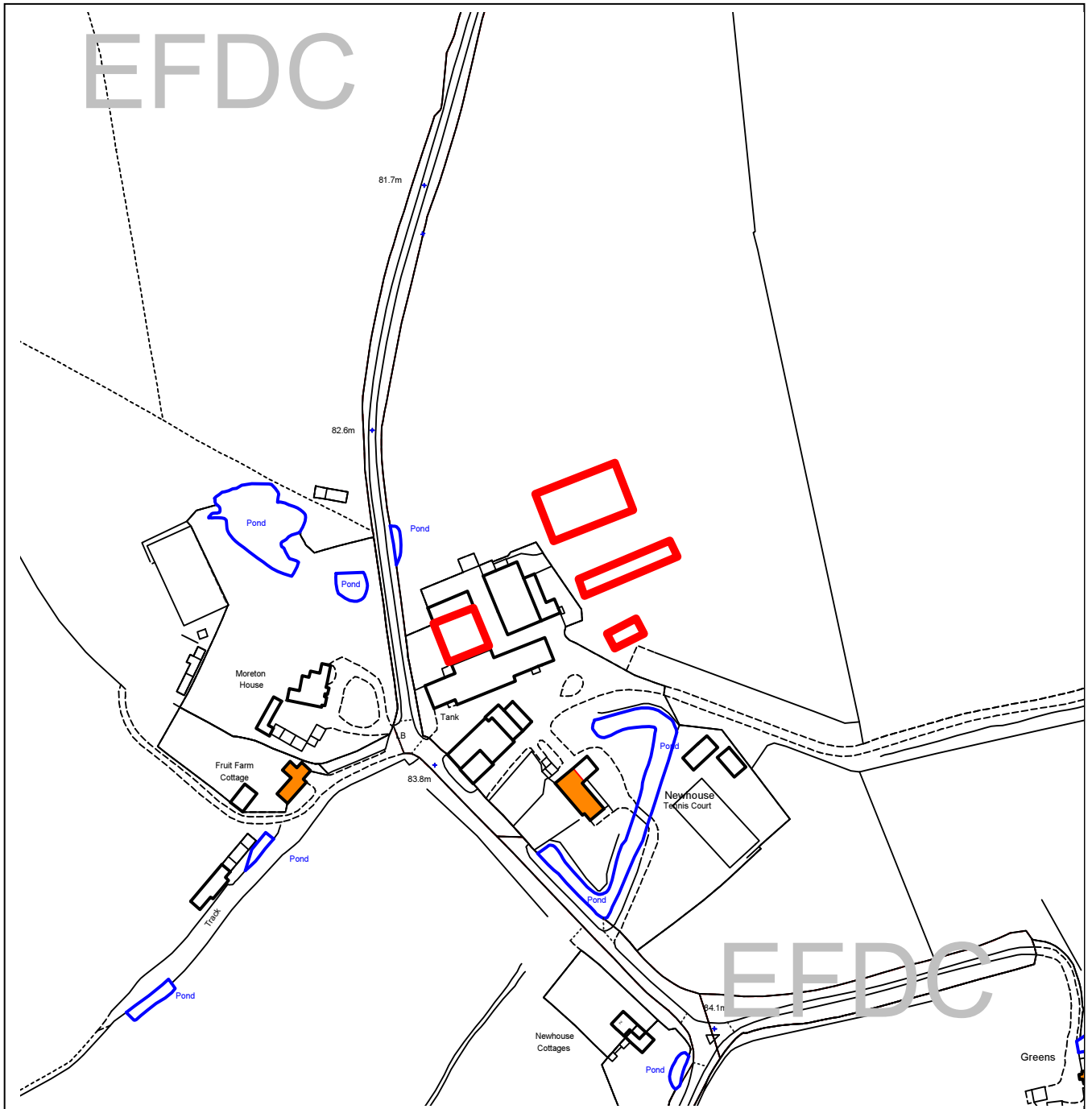
***Planning Application Case Officer: Mr Dominic Duffin  
Direct Line Telephone Number: (01992) 564336***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>7</b>
Application Number:	EPF/2405/12
Site Name:	New House Farm, Little Laver Road Moreton, CM5 0JE
Scale of Plot:	1/2500



**Report Item No: 8**

<b>APPLICATION No:</b>	EPF/2406/12
<b>SITE ADDRESS:</b>	New House Farm Little Laver Road Moreton Ongar Essex CM5 0JE
<b>PARISH:</b>	Moreton, Bobbingworth and the Lavers
<b>WARD:</b>	Moreton and Fyfield
<b>APPLICANT:</b>	Mr Jim Collins
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed grain storage building.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**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=544172](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=544172)

**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 development, shall be as detailed on the submitted plan 11116/1, unless otherwise agreed in writing by the Local Planning Authority.
- 3 No development, including site clearance, shall take place until a scheme of landscaping necessary to screen the development, and a statement of the methods, including a timetable, for its Implementation have been submitted to the Local Planning Authority and approved in writing. The landscape scheme shall be carried out in accordance with the approved details and the agreed timetable. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand in writing.
- 4 A flood risk assessment and management and maintenance plan shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.

- 5 The proposed building shall only be used for agricultural grain storage or a use ancillary to agriculture unless otherwise agreed by the Local Planning Authority. If the building is no longer needed for such purposes, within three years of the cessation of this use the structure shall be dismantled and removed from site and the land returned to its current state.

*This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than four objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(f).) and since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))*

### **Description of Site:**

Newhouse Farm occupies a substantial site on the eastern side of Little Laver Road which is within the boundaries of the Metropolitan Green Belt. The site includes a large number of utilitarian farm buildings set in a farmyard setting some of which have been built in recent years and some which are much older structures. The farmhouse building is a Grade II listed house. The immediate area is sparsely populated but there are some residential properties on the opposite side of the road adjacent to the farm. The immediate area is typically rural in nature characterized by narrow laneways and open swathes of arable farmland.

### **Description of Proposal:**

The applicant seeks consent for the construction of a grain store in connection with his agricultural business. The building would have a footprint of 36.5m x 20.0m. The eaves height would be 7.5m with a ridge height of 10.2m. The structure would have pre cast concrete walling to a height of 3.2m on each long side. The roller shutter doors would be to a height of 6.0m.

### **Relevant History:**

There is an extensive history to the site including another 2 applications for a change of use of buildings to B2 and B8 activities (EPF/2404, 2405/12) and a Certificate of Lawfulness (CLD) for the use of a separate building as a B2 use (Aspects Joinery) EPF/2407/12. The most relevant and recent history other than these applications includes;

EPF/1765/02 - Erection of agricultural grain store. Grant Permission - 21/10/2002 (Not built).

EPF/0024/05 - Erection of steel portal framed strawed yard building for cattle and reorient proposed grain store previously approved on 21.10.02 under ref EPF/1765/02 (Building 6).

EPF/0359/08 - Lean to extensions on existing agricultural grain store to house cattle and farm machinery. Grant Permission (With Conditions) – 01/04/08 (buildings 7A, 7C1, 7C2).

EPF/1549/08 - Erection of a steel portal framed agricultural machinery store. Grant permission (with conditions) – 24/09/08.

EPF/2517/11 - Erection of an agricultural steel portal framed purpose designed grain storage building. Withdrawn by the applicant – 28/08/12.

EPF/0863/12 - Retrospective application for change of use of agricultural buildings for the stabling of horses and construction of a manege. Grant Permission (with conditions) – 28/06/12 (Building 4A).

EPF/0864/12 - Retrospective application for the change of use of redundant agricultural buildings for commercial activities including brewery, carpentry workshops and commercial storage facilities. Withdrawn by the applicant – 28/08/12.

## Enforcement

ENF/0064/12 - Use of farm buildings for commercial uses including Micro Brewery, storage (commercial). Current Investigation.

## **Policies Applied:**

CP2 – Protecting the Quality of the Rural and Built Environment  
GB2A – Development in the Green Belt  
GB7A – Conspicuous Development  
GB11 – Agricultural Buildings  
DBE9 – Loss of Amenity  
HC12 – Development Affecting the Setting of a Listed Building

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 214 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

## **SUMMARY OF REPRESENTATIONS:**

10 neighbours consulted and a site notice displayed – 4 replies received.

*An objection letter has been received from Stephen Hayhurst, Planning Consultant, representing a number of neighbours in the near vicinity of the site. The contents of the letter will be addressed in the main body of this report.*

FRUIT FARM COTTAGE: Objection. The recent developments at Newhouse Farm have led to a great increase in traffic from farm vehicles which are expected and of course is acceptable. However, over the last several years, more and more commercial activity has developed in the farm yard. There are cars, transit vans and heavy goods vehicles coming and going which are very disturbing and upsetting to we who live opposite. There is a carpenter's workshop which, although it has never had planning permission, causes no trouble, nor does the brewery which from time to time has large vehicles attending. The commercial activity not only affects me and my neighbours at Moreton House, but all those who live in Little Laver Road.

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from New House Farm along Little Laver Road which is a very narrow country lane where they are causing severe damage to drains, verges & creating deep ruts on the side of road. The corner on the junction of Little Laver Road & Church Road has been severely damaged in particular on the corner of the Hill Farm property. In the past our property has been flooded due to damaged drains and we certainly do not want that to happen again.

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The road is now unsafe for residents to travel on as there are no passing places to facilitate large lorries and is frightening for me when I have to collect my grandchildren from school only to have to back up a long way down a narrow road to get out of the way of a lorry facing me.

**PARISH COUNCIL:** The Parish Council supports this application.

### **Issues and Considerations:**

The main issues to consider relate to potential impact on the open character of the Green Belt and the planning history of the site.

#### **Green Belt**

This current raft of planning applications at this site followed an original proposal to construct a grain store at Newhouse Farm (EPF/2517/11). Epping Forest is a largely rural district where such applications are common place and generally receive approval without much contention, and the Local Planning Authority is happy to support and promote local farming enterprises. The original proposed development however uncovered unauthorised activity at the farm and as such this application is more complex than originally envisaged. Officers have recommended that the retrospective application to reuse a number of buildings at the site should, on balance, be granted consent. The concerns and reservations of local neighbours are understandable and not without solid foundation. However this is the recommendation having regard to all material considerations.

The case for further grain storage space put forward by the applicant is that a change in farming practices (organic to conventional) would provide a much greater yield. The services of an Agricultural Consultant, employed by the Council, have been very useful in addressing the case made by the applicant. His submission confirms that this change would result in the farm producing a much greater yield. The fact that greater storage at the farm is needed is therefore accepted. The core issue therefore has been; were the buildings which have been put to other uses suitable to meet this need? Could they be adapted to meet the need? This is an issue which has been considered by a number of consultants, both planning and agricultural.

The objector's agent has made some observations with regards to the issue of the grain store. The agent firstly casts aspersions on the failure of the organic business and why in the midst of this failure further buildings were constructed. He states that independent evidence should be sought. It is not considered that the issues with organic farming would necessarily prevent a farmer from constructing more agricultural buildings. These are not small enterprises. It is fair to assume that the demise of one farming enterprise can be replaced by another, as in this instance. Independent evidence does suggest a much greater yield and the construction of further buildings at the site, notwithstanding their current use, do not clearly point to foul play. Aerial photographs do suggest the buildings were used for cattle housing and the Council's Agricultural Consultant confirms that organic farming requires the need for cattle. Officers do not accept that the construction of further buildings clearly points to an ulterior motive.

The issue of adapting buildings 5, 6 or 7 has rightly been raised. Again the view of the retained Agricultural Consultant is of real value.

Building 7's lean to additions were built to house cattle. Even to the untrained eye and particularly with the aid of comments received it is clear that these additions were not suitable for grain storage. It appears these buildings would have been more suitable for ancillary storage for such things as farm machinery, but the application for the machinery store (Building 5) followed soon after the approval of the lean to's. On any site visits by Officers or Members this building has appeared to be in use for farming purposes. The conditions suggested to be attached to applications EPF/2404/12 and EPF/2405/12 will guard against alternative uses of this building without prior approval. It is noted that building 5 has been constructed in the wrong position than that shown on the approved plans. The building is now potentially time immune from enforcement action and if not, it would not be in the public interest to take enforcement action as it was appropriate agricultural development. The use of these two buildings for grain storage has been fully assessed and they have been found unsuitable for grain storage and as such can generally be discounted.

Building 6 has proved to be the structure of most contention and the one that, on the face of it, appears suitable for grain storage. This building was constructed as a facility for cattle. Although it can't be corroborated as this building, the submission from the agent includes a photograph of an open sided cattle shed. The neighbour's agent, whilst highlighting the issue of cost, rightly asks the question; could this building be adapted for grain storage and thus negate the need for further encroachment into the Green Belt?

The Agricultural Consultant has addressed this point and notes that this building appears the more suitable for adaption. The comments received with regards to building 6 are recorded below but Members are advised to read the report available on the website in full.

*“Adaption of the building (excluding a grain drying floor) would involve removal of the side cladding on all four sides in order to install grain walling up to say 2.5 or 3m in height. Although the stanchions to the building are substantial (approx.. 325mm x 120mm) the insertion of additional steel uprights might well be found necessary. With new intermediate steel stanchions the installation of pre- stressed concrete panels, the most effective grain walling currently available, or the less effective profiled steel walling could be achieved but would not be entirely straight forward. It is possible there could be some loss of storage space as the new panels would have to pass on the inside of the existing steel stanchions. Conversion would also require the installation of roller shutter doors to the gable end and work to ensure the side cladding was properly sealed against the new thrust walling.*”

*On completion the building would need to be bird and rodent proof and meet the requirements of the Home Grown Cereals Authority for the production of assured combinable crops. Assuming*

*conversion was carried out along these lines and without the addition of a drying floor then a storage capacity of some 1,000 tonnes may be achievable.*

*I understand this building was already second - hand when it was purchased and erected at Newhouse Farm. Nevertheless, in some circumstances this could be a cost effective option particularly for short term storage without the installation of drying floor and fans.*

*However, it has to be borne in mind that the building has limitations in respect of its eaves height, which will restrict the flexibility and use of tipping trailers and would therefore involve additional handling of grain in order to effectively utilise the full capacity of the store. If a drying facility was required to allow for longer term storage then its installation on top of the existing concrete floor, assuming this is adequate to take the loading, would involve the loss of a further 300mm or thereabouts of eaves height. The eaves height is only 4.62m and the ridge height 7.32m (not 6m to eaves and 8.68m to ridge as shown on the planning consent drawings ref: EPF/024/2005), which is significantly less than the 7.5m eaves height and 10.2m ridge height proposed for the new grain store.*

*The use of the tipping trailer to its full height of approximately 7m - 7.5m is likely to be quite restricted and should a central air duct be installed to facilitate on floor drying, as with the existing grain store, then the use of tipping trailers would be further reduced. These are potentially serious limitations, given the investment required and the alternative of a new purpose designed building”.*

It should be noted that the Council's Consultant looked at all the applicant's landholding and buildings and found the use of buildings at High Laver Hall as impractical. Our consultant concludes that the conversion of this building, although not without its complications and significant cost, is possible, but that a new purpose built building is clearly the best and most practical solution for the applicant in terms of providing storage for grain at the site and notwithstanding other considerations. The reuse of this existing building would have clear benefits with regards to the open character of the Green Belt. Members may feel that there are clear grounds to refuse further built form at the site, or that what has occurred has been a genuine response to changing circumstances at the holding and as such a new grain store is warranted. The Parish Council has no objection to this proposal and indeed supports the case for a new grain store.

The applicant's agent draws attention to an appeal decision in this district which raised similar characteristics to this site. In this case an Inspector was of the view that an existing building at the site was not readily reusable for grain storage and the cost of bringing it up to modern grain handling requirements was a compelling factor against such a course of action. The eaves height was considered impractical for facilitating modern grain handling equipment. There is therefore a decision precedent in the district of the reuse of buildings requiring adaptation being undesirable. It is of course a well established principle of planning that each decision is decided on its own merits and it is the view of officers that a refusal of this application could be substantiated. The expert advice is that Building 6 could be altered to suit grain storage requirements, although not without difficulties. Members must therefore decide: is the best course of action to refuse this application, therefore requiring the applicant to pursue the reuse of Building 6 as an option for storage. This would have clear benefits with regards to preserving the Green Belt. Or is the grain store justifiable and its impact controllable to some extent by conditions. It is the view of officers that, notwithstanding other material issues, a new building within the central core of this farm is justifiable. This is a finely balanced decision and a case for refusal can also be clearly made.

A further issue is whether this is the best place to position any new building. An area to the north of the Cube Joinery building (3A) is open with the plans indicating it is used for the storage of plant and machinery, and that there are overhead power lines. The applicant has received permission for a large facility to store agricultural plant and machinery and it is not considered the overhead power lines would restrict a building here. It appeared on the site visit that this piece of land was

being used for other forms of storage unconnected to farming and the siting of the building here is an option. One concern is that the building being so close to Little Laver Road, and the residential properties on the other side of the road, is that the noise from the industrial drying equipment and the movement of machinery would further infringe on amenity. The current building would involve further encroachment into the Green Belt, however this must be balanced against the amenity issue. Suitable screening conditions would reduce the impact and the building would be judged as one of a cluster of large farm structures. The proposed development would have no impact on highway safety and would not affect any sites of importance thus complying with Policy GB11. The view is that its position at this location can be supported.

The site is within an Epping Forest Floodzone and the advice from the Land Drainage section is that a Flood Risk Assessment is necessary.

#### *Suggested Conditions/Class 6 Permitted Development Rights*

The submitted figures suggest that even with this building there may be a shortfall of storage at Newhouse Farm for grain. There may therefore be pressure for further buildings. A consideration of this proposal suggests it may qualify as agricultural permitted development allowed pursuant to applications under Part 6 of the GDPO. It may also be the case that further development at the site qualifies as development permitted under Class 6. The issue of whether it is reasonable and necessary to remove such permitted development rights is an issue which most therefore be addressed. The plan enclosed in the agents Design and Access Statement gives some idea of the land that the applicant owns. It is disproportionate to remove permitted development rights for this size of a holding. There is the further point that a farm holding of this size keeps swathes of the Green Belt open, one of the core reasons of maintaining a Green Belt. Any removal of permitted development must be relative to issues with regards to unauthorised development at Newhouse Farm. Members may feel that there is some benefit in restricting future development at the site; in which case a plan showing a designated area would have to be agreed with Officers prior to a decision being issued. Such a restriction would not prevent future development at Newhouse Farm but it would give the Local Planning Authority some level of control and input, and appropriate conditions could be put in place. Such an approach would be reasonable. The applicant has buildings at the site which could be potentially converted for grain storage and therefore to permit further development should be with this restriction in place.

#### **Conclusion:**

This proposal for a grain store is considered a balanced case. The concerns of neighbours are noted and deemed reasonable issues to raise. It is recognised that some of the built form on the site is capable of conversion for grain storage. However this would not be a straightforward process and limitations have been highlighted in the submission from the Agricultural Consultant. The case for a new grain store is therefore accepted subject to a number of restrictions. This includes that the building is only used for agriculture and that if this use ceases the building is demolished and the land made good. The issue of the removal of Part 6 permitted development rights is also deemed reasonable for a given area around the farmyard, to be agreed with the applicant. It is therefore recommended that the application is approved with conditions.

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

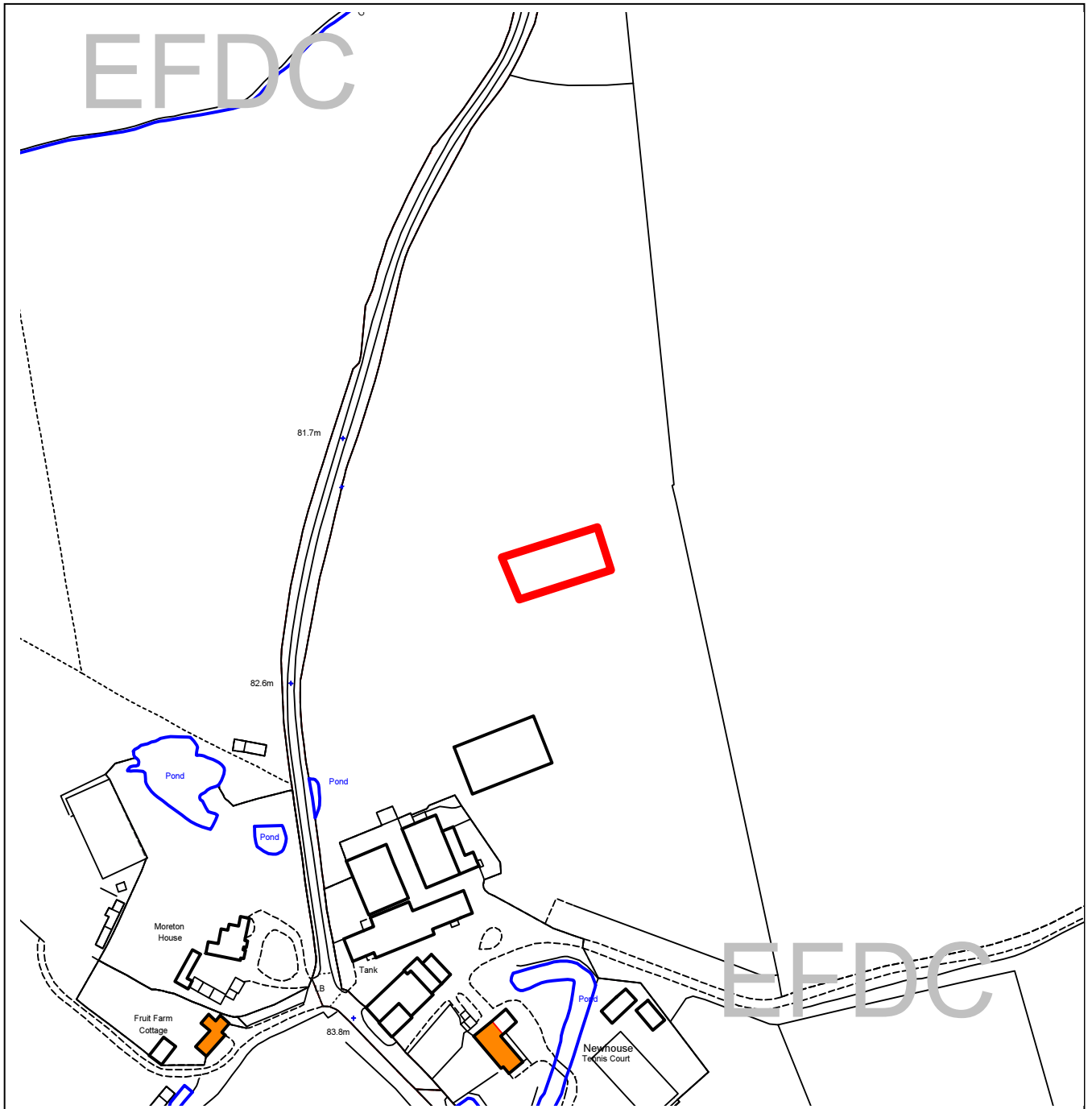
***Planning Application Case Officer: Mr Dominic Duffin  
Direct Line Telephone Number: (01992) 564336***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>8</b>
Application Number:	EPF/2406/12
Site Name:	New House Farm, Little Laver Road Moreton, CM5 0JE
Scale of Plot:	1/2500