

## **EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES**

**Committee:** District Development Control    **Date:** 8 August 2006  
Committee

**Place:** Civic Offices, High Street, Epping    **Time:** 7.30 - 7.55 pm

**Members Present:** B Sandler (Chairman), Councillor Mrs D Borton, Mrs D Collins,  
Mrs R Gadsby, Mrs A Haigh, Mrs H Harding, D Kelly, J Markham,  
P McMillan, Mrs P Richardson, D Stallan, P Turpin and K Wright

**Other Councillors:** R Frankel

**Apologies:** G Stollar, M Colling, J Hart, Mrs P Smith and Mrs L Wagland

**Officers Present:** N Richardson (Principal Planning Officer), S G Hill (Senior Democratic Services Officer), M Jenkins (Democratic Services Assistant) and S Dobson (Information Assistant (Public Relations))

### **8. MINUTES**

#### **RESOLVED:**

That the minutes of the meeting held on 13 June 2006 be taken as read and signed by the Chairman as a correct record.

### **9. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)**

It was noted that the following substitutes had been appointed: Councillor Mrs A. Haigh for Councillor G. Stollar, Councillor D. Collins for Councillor P. Smith and Councillor D. Stallan for Councillor L. Wagland.

### **10. APPOINTMENT OF VICE CHAIRMAN**

#### **RESOLVED:**

That, in the absence of the Vice Chairman, Councillor Ann Haigh be appointed as Vice Chairman for the duration of the meeting.

### **11. DECLARATIONS OF INTEREST**

No declarations of interest were made at the meeting.

### **12. EPF/0248/06 - SPINDRIFT, BOURNEBRIDGE LANE, STAPLEFORD ABBOTTS - RETENTION OF USE OF THE EXISTING BUILDING AND THE SITE FOR RESIDENTIAL PURPOSES**

The committee considered a recommendation of Area Plans Sub Committee C that planning permission be granted for retention of use of an existing building and use of the site at Spindrift, Bournebridge Lane, Stapleford Abbots for residential purposes on a permanent basis.

The application had been considered by Plans Sub Committee C on 7 June 2006 with a recommendation that planning permission be refused on the basis of it being contrary to Policy GB8 of the adopted Local Plan and inappropriate development in the Green Belt in context of Policy GB2 of the Plan and Policy C2 of the Essex and Southend on Sea Replacement Structure Plan.

Senior Planning Officer advised the committee of the main considerations of the application, which were: -

- (i). The site consisted of a Chalet type bungalow on Bournebridge Lane which dated back to the 1970s. The previous owner had been given personal permission to use the building as a dwelling until his death in 1997.
- (ii). The current owners had previously submitted a planning application for continued residential use of the site, which had been refused in 1999 on Metropolitan Green Belt grounds.
- (iii). A subsequent Enforcement Notice had been issued in 1999 against the residential use which had not been complied with by the owners and had not been followed up by officers since that time. Members noted that this Enforcement Notice was still enforceable unless withdrawn.

The Senior Planning Officer stated that the building itself was not of permanent construction and therefore, in policy terms, not suitable for a permanent dwelling and consequently only suitable for recreational use. Therefore its current use was considered as being contrary to adopted policy.

Members of the Area Plans Sub-Committee were concerned about the lack of action to ensure compliance with the Enforcement Notice of 1999 and felt that the enforcement inactivity by the authority could be considered to have created very special circumstances in this case, which could overcome the policy objection to the proposal.

Furthermore, the committee considered that most of the houses in Bournebridge Lane had originally been recreational chalets. The only remaining chalet was Spindrift. The committee also considered that the property's construction, if it had been built of brick, would have overcome some of the policy concerns. The committee agreed with the views of Area Plan Sub-Committee C that special circumstances existed in this case namely: -

- (i) The length of time the family had lived there;
- (ii) The couple's child attended a local school;
- (iii) The lack of enforcement in this case created very special circumstances; and
- (iv) The family would become homeless if evicted .

**RESOLVED:**

- (1). That planning permission EPF/0248/06 be granted for the retention of use of the existing building at Spindrift, Bournebridge Lane, Stapleford Abbots, and the site for residential purposes subject to the following condition: -

“Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1 Classes A, B & E shall be undertaken without the prior written permission of the Local Planning Authority.”; and

(2) That the enforcement notice issued in February 1999 relating to Spindrift, Bournebridge Lane, Stapleford Abbots be withdrawn.

**13. ANY OTHER BUSINESS**

There was no further business for consideration at the meeting.

**CHAIRMAN**

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