

**Report to District Development  
Management Committee**

**Report Reference: DEV-018-2015/16  
Date of meeting: 24 February 2016**



**Epping Forest  
District Council**

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**Subject: Planning Application EPF/1891/15 – The Paddock, Grove Lane, Chigwell, Essex, IG7 6JF - Demolition of existing stables and warehouse and erection of 8 dwelling houses and associated landscaping.**

**Responsible Officer: Nigel Richardson (01992 564110)**

**Democratic Services: Gary Woodhall (01992 564470)**

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**Recommendation(s):**

- (1) That planning permission be refused for the following reasons:
1. The site lies within the Metropolitan Green Belt. The proposed development is inappropriate in the Green Belt and, by definition, harmful. It fails to protect the openness of the Green Belt and encroaches into the countryside to a significantly greater degree than existing structures on site. The details accompanying the application do not amount to very special circumstances sufficient to outweigh the harm to the Green Belt that would result from the development. The proposal is therefore contrary to policy GB2A and GB7A of the Adopted Local Plan and Alterations and the aims and objectives of the NPPF.
  2. The proposed sub-urban development proposed is at a scale at odds with the surrounding context and would harm the rural setting of Millers Farmhouse, a Grade II Listed Building, by diminishing its significance. Accordingly, the proposal is contrary to policy HC12 of the Adopted Local Plan and Alterations and the aims and objectives of the NPPF.
  3. By reason of its scale and layout, the proposed development would be detrimental to the visual amenities of the surrounding area and harmful to the character and appearance of this semi-rural location, contrary to policies DBE1, DBE2 and DBE4 of the Adopted Local Plan and Alterations and the aims and objectives of the NPPF.

**Report:**

1. This application was considered by Area Plans Sub-Committee South on 3 February 2015 where Members voted to refuse the application (for the reasons outlined above) in line with the Officer recommendation. 5 votes were in favour of the recommendation to refuse and 5 votes were against. The Chairman used his casting vote to go with the recommendation to refuse. After this vote, 4 Members of the Sub-Committee stood to exercise their right to require that no action be taken on the matter until it has been considered by the District Development Management Committee, with the recommendation to refuse.

2. The original report is attached in full below for consideration.

*This application is before this Committee since it has been 'called in' by Councillor John Knapman (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(h))*

### **Description of Site:**

The application site is situated at the top, north eastern side of Grove Lane, in a rural location on the edge of Chigwell Row. Grove Lane is characterised by linear residential development along the street, with a Grade II listed building 'Millers' at the head of the road and directly adjacent to the application site. The site is currently an equestrian stables with a low intensity use. A number of low height equestrian buildings, hardstanding and equestrian facilities are currently on site.

Beyond the site to the rear is a waterworks and then open countryside. The site is within the Metropolitan Green Belt.

Grove Lane narrows towards the top of the lane to little wider than single width with parking on both sides of the road.

### **Description of Proposal:**

This proposal seeks planning permission for the demolition of the existing structures on the site and the erection of 8 dwellings, an access road with parking and associated landscaping.

The 8 dwellings form a linear development with rear gardens backing on to the north boundary of the site. An access road is proposed to the front with 23 parking spaces on the opposite side of the road. The land to the south of the proposed access road will be open land. The houses are 4 detached properties and 4 semi-detached properties and are rather typical pitched roof house designs. The semi-detached houses would be two-bedroom and the detached 4/5 bedroom.

The site, although in the Green Belt is considered (by a former appeal decision) to be previously developed land. The proposal is located directly to the side of the Grade II listed farmhouse (Millers) with approximately a 10m separation.

This scheme was presented to Committee on the 25<sup>th</sup> November 2015 and was deferred by the Committee for the following reasons:

Members decided to defer this application in order that the issue of affordable housing can be further assessed having regards to the Applicants offer to make a financial contribution towards off-site provision on the day of the sub-committee meeting. Members also deferred the application in order to secure firm proposals for dealing with the open space component of the proposal, which could then be assessed.

The application has been revised and is materially different to that previously put forward to Members and a re-consultation process has taken place.

The revisions include a reduction in the redline site area to below 0.5 hectare and additional information regarding the open space which is located to the south of the proposed development.

Prior to these changes this application was a resubmission following previous refusals (see Relevant History section).

The most recently refused (and dismissed at appeal) application was for 6 properties (of a much larger scale than that now proposed) with development spread across the whole site.

### **Relevant History:**

EPF/2219/14 - Demolition of existing stables and warehouse and erection of 23 no. affordable dwellings – Withdrawn

EPF/1466/14 - Demolition of existing stables and warehouse and erection of 6 detached residential dwellings. (Revised application to EPF/2188/13) - Refused and Dismissed at Appeal (A copy of the Inspector's decision is attached to this report)

EPF/0906/14 - Prior notification application for a proposed change of use of agricultural building to a flexible use – Withdrawn

EPF/2188/13 – Demolition of existing stables and warehouse and erection of 6 detached residential dwellings and new access – Refused

### **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

GB7A – Conspicuous Development

HC12 – Development affecting the setting of Listed Buildings

DBE1 – Design of New Buildings

DBE2 – Effect on Neighbouring Properties

DBE4 – Design in the Green Belt

DBE8 – Private Amenity Space

ST1 – Location of Development

ST4 – Road Safety

ST6 – Vehicle Parking

LL10 – Provision for Landscape Retention

LL11 – Landscaping Scheme

H5A – Provision for Affordable Housing

H6A – Site Thresholds for Affordable Housing

H7A – Levels of Affordable Housing

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 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:**

CHIGWELL PARISH COUNCIL: The Parish Council originally returned the following comments: *The Council wishes this to go to plan South, and wishes for a clear indication if the points made by the Planning Inspector have been met on this new application.*

Following re-consultation the Parish Council returned the following revised comments: *The Council SUPPORTS this application as they feel it will be sympathetic to the area and retain the existing green belt features.*

55 Neighbours consulted and a site notice erected:

1, 2, 3, 4, 5, 6, 8, 9, 10 GROVE COTTAGES, ALL GROVE LANE; WOODBINE, GROVE LANE; 1 MONTFORD COTTAGES, GROVE LANE; MILLERS FARMHOUSE, GROVE LANE; HOLLY CROFT, GROVE LANE; THE GROVE, GROVE LANE, WESTSIDE, GROVE LANE, ABBOTTS COURT, GROVE LANE – Objection

Summary of Objections: Impact on the Green Belt, impact on the listed building, increase in traffic, proximity to London Loop footpath, construction vehicles movements, site restricts urban sprawl and this will be lost, impact on character of the area, design not in keeping with surrounding houses. Following receipt of the revised submission a re-consultation took place where previous comments were reiterated and magnified; not considered to overcome previous objections with concern raised over the decision to alter the redline of the site, concern raised regarding the financial contribution to the Parish Council distracting from the harm to the Green Belt, revisions designed to avoid affordable housing and do not address other reasons for refusal, query why donation to local transport is no longer offered.

7 GROVE COTTAGES, GROVE LANE AND ANNEX – TUTEIN FARM, GROVE LANE – Support

Summary of support: improvement to area, site no longer viable

THE PADDOCKS, GROVE LANE – Support as improvement to the area but concerns over the access to the open land.

### **Issues and Considerations:**

The main issues that arise with this now revised application relate to the previous reasons for refusal and whether the current application with the revisions has made sufficient amendments to overcome these issues or introduced any new concerns.

The previous reasons for refusal were as follows:

- 1. The site lies within the Metropolitan Green Belt. The proposed development is inappropriate in the Green Belt and, by definition, harmful. It fails to protect the openness of the Green Belt and encroaches into the countryside to a significantly greater degree than existing structures on site. The details accompanying the application do not amount to very special circumstances sufficient to outweigh the harm to the Green Belt that would result from the development. The proposal is therefore contrary to policy GB2A and GB7A of the Adopted Local Plan and Alterations and the aims and objectives of the NPPF.*
- 2. The proposed sub-urban development proposed is at a scale at odds with the surrounding context and would harm the rural setting of Millers Farmhouse, a Grade II Listed Building, by diminishing its significance. Furthermore the materials palette proposed is wholly inappropriate and would detract from the appearance of Millers Farmhouse. Accordingly, the proposal is contrary to policy HC12 of the Adopted Local Plan and Alterations and the aims and objectives of the NPPF.*

3. *The proposed development would be detrimental to the visual amenities of the surrounding area and harmful to the character and appearance of this semi-rural location, contrary to policies DBE1, DBE2 and DBE4 of the Adopted Local Plan and Alterations and the aims and objectives of the NPPF.*

This application was dismissed at appeal and the Inspector's decision is attached to this report but to summarise in relation to the above reasons for refusal the Inspector considered the following:

1. The proposal would have a greater impact on the openness of the Green Belt than the existing and therefore be inappropriate development in the Green Belt;
2. The proposal would diminish the rural character but this harm is limited given the arrangement and type of development elsewhere on the Lane;
3. The listed building would be robbed of much of its former setting, be divorced from the countryside and the loss of the open, agricultural-style setting to the east would be harmful and this harm is not outweighed by public benefits.

Since this application the proposal has been altered as described above, taking each reason for refusal as an individual issue the assessment of this current application continues below.

### Green Belt

In regard to the first reason for refusal, development within the Green Belt is defined as inappropriate in principle as it inevitably impacts on openness and the purposes of including land in the Green Belt. However, paragraph 89 of the NPPF provides a list of exceptions to this. The site is, as agreed by the Inspector a previously developed site (equestrian use is not the same as agriculture in planning terms). The NPPF allows for the redevelopment of previously developed land (PDL) in paragraph 89, provided such developments '*would not have a greater impact on the openness of the Green Belt and purpose of including land within it than the existing development*'.

The application includes volume calculations for both the existing buildings on site and the proposed development. The volume of the buildings to be demolished is 4,429m<sup>3</sup> and the total volume of proposed buildings is 6, 870m<sup>3</sup> and therefore in terms of volume alone the proposal is clearly greater than the existing site and that is highly indicative of a materially greater impact on openness.

This proposal has been altered since the previous refusal and rather than development across the whole site, development has been restricted to the northern half of the application site which is where the existing buildings are concentrated. Although this is an improvement to the previous sprawl of development it is considered to result in new issues, the main being the now, far denser form of development creating a very urban, cul-de-sac appearance of development, in effect creating a 'wall' between this Green Belt site and the surrounding Green Belt. Additionally proposed built form extends to the east further than the existing buildings on site, so that the proposal fills the full width of the site and unlike the current situation this will be at two storeys in height for the full width.

The large areas of hardstanding on the site are to be removed as part of the proposal; however, they have been partly replaced by the access road and parking space. Although a smaller area of hardstanding than existing, it will be very prominent given its forward position and domestic nature and it is considered that this element on its own will have a detrimental impact on the character and openness of the Green Belt.

Additionally the proposed dwellings are substantially higher than the highest building on the site (which is a relatively low pitch building). The Inspector previously considered that increase in height impacts on the character and appearance of the Green Belt and as with the previous application it is Officer view that this revised scheme has not overcome the Green Belt reason for refusal and that the proposal will have a greater impact on the openness of the Green Belt than the existing.

### Listed Building

The proposed scheme is located 10m from the listed farmhouse 'Millers' and is considered to detract from the setting of this building. Previously the Inspector found that the scheme would result in the listed building being robbed of much of its former setting, be divorced from the countryside and the loss of the open, agricultural-style setting to the east would be harmful and this harm is not outweighed by public benefits. It is not considered that this revised scheme overcomes the previous reason for refusal. It still removes the former setting, divorces the building from the countryside and removes the agricultural setting to the east.

It is the Officer view that this proposal is more detrimental to the setting of the listed building than the previous scheme. The proposed houses are closer to the listed building now 10m as opposed to 16m and the linear form of development is at odds with the rural farmhouse character.

The Conservation Officer has objected to the proposed scheme on the grounds that the linear development detracts from the appearance of the late 17<sup>th</sup> century farmhouse creating an urban street adjacent to what should be a rural farmhouse, in a fairly rural setting.

### Character of the Area

The layout of the proposal, as stated above, has been altered since the previous submission so that development is concentrated in a linear strip to the north of the site rather than the more 'informal' group layout.

This results in the appearance of a suburban street, forming an incongruous cul-de-sac which is out of character with the Green Belt and the surrounding rural character.

Previously the Inspector considered that the development (which covered the whole site) would diminish the rural character of the area but considered the harm was limited given the arrangement and type of development elsewhere on the Lane. The Inspector specifically mentioned Gainsborough Place, located close to the main road which was similar to the previously refused scheme in that it was a development of large houses grouped around a central area.

This current proposal is not similar to Gainsborough Place, as it is for a row of properties in a linear pattern. It is considered that this proposal again diminishes the rural character of the area and in this case the harm is substantial as there is no similar development perpendicular to the road to compare this scheme to in the

locality. Although the existing buildings cannot be said to be attractive they are not out of place in this semi-rural location and their replacement with this 'street' of properties is considered detrimental to the visual amenities of this area given its urban feel.

Concern was previously raised with regards to the open area of land to the south as little information was provided with regards to the long term use of this area. Clearly it is not in the interests of proper planning of the locality for that area of land not to be coherently integrated into a detailed proposal for the site as a whole. As there previously was an absence of detail it was considered that the area would be likely to invite its neglect and abuse by, for example, fly-tipping.

The revisions to this current proposal have included details relating to the open area of land to the south of the proposed houses. It is proposed that this land is transferred to the Parish Council by way of a legal agreement and a donation of £50,000 has been offered by the applicant so that the area of land can be maintained in perpetuity. It is considered that this revision would overcome the concerns relating to the future use of the land. The Parish Council have supported this application and therefore are willing to accept this land, but it is not considered that, and no evidence has been put forward to suggest that there is a need for open public space within this particular locality.

#### Other Issues beyond the previous Reasons for Refusal

##### Affordable Housing:

The proposal previously fell within the scope of policy H6A as the site area was over 0.5 hectares and therefore 40% of the total number of dwellings was required to be affordable in accordance with policy H7A. Following the Committee deferral, the plans have been amended to show the proposed site area as 0.497 hectare. The site therefore falls below the threshold for affordable housing and the Council would therefore not seek the provision of any affordable housing within this development. Previous offers made towards affordable housing have not been carried forward to this revised application.

##### Detailed Design:

The proposed design of the dwellings in isolation are acceptable, they are relatively standard pitched roof properties. However, the urban appearance of the dwellings and close proximity to each other do not respect the wider area as discussed above.

##### Amenity:

The proposal is not considered to result in any significant amenity concerns due to the separation between the development and existing properties there will be no loss of light, outlook or privacy. The proposed dwellings will be clearly visible to the existing properties at the end of Grove Lane but are not considered to result in any detrimental visual impact amenity.

##### Amenity of Future Occupiers:

The proposed gardens all face north and therefore will have limited sunlight. Notwithstanding the poor aspect, given the size of the properties the private amenity space proposed could reasonably be expected to be greater with improved depth. Half of the width of the rear gardens at plots 5, 5 and 8 is only some 5m. The level and form of private amenity space provision is therefore somewhat below the

expected standards of DBE8. Additionally the garden space for plots 5 and 8 is not as usable as it could be when taking into account the trees on and adjacent to the site which have large canopy spreads. They would cast significant shadow over the garden areas. Although not fully compliant with Policy DBE8, the harm to living conditions arising is not so great that it could amount to a defensible reason for refusal.

#### Highway and Parking Issues:

Grove Lane currently has parking and access issues due to pressures from existing residents and the width of the lane. Access is clearly an issue around parked vehicles, but Highways have been consulted and have returned no objections. This is subject to conditions covering the width of the access drive, provision of travel packs, submission of details of surface water drainage, provision of no unbound materials within 5m of the highway and seeking payment in advance for construction of the new street. In relation to parking provision, all off-street parking would be outside the curtilage of the proposed houses and therefore unallocated, however, the high level of provision proposed would ensure there is unlikely to be any harmful consequence. Vehicle parking standards require a total of 20 parking spaces for both the houses and visitors whereas 23 parking spaces are proposed.

#### Trees and Landscape:

The submitted reports demonstrate that the application could be undertaken without a detrimental impact to the trees on and adjacent to the site, bar the loss of one tree which the Landscape Officer has no objection to the loss of.

The Tree and Landscape Officer has raised concerns with regards to some of the proposed landscaping particularly beside the parking spaces but this could be addressed by condition.

#### **Conclusion:**

The proposal including the revisions submitted after the November Committee meeting is still not considered to overcome the previous reasons for refusal. Although it is considered that the additional information overcomes the recommended reasons for refusal relating to affordable housing and the long term plans for the area of land to the south, it is still not considered that the proposal has overcome the previous reasons for refusal relating to impact on the Green Belt, character of the area and setting of the listed buildings and given the above assessment refusal is therefore recommended.