

Report Item No: 1

APPLICATION No:	EPF/1614/06
SITE ADDRESS:	24 Great Stony Park High Street Ongar Essex CM5 0TH
PARISH:	Ongar
APPLICANT:	Mr & Mrs Atkinson
DESCRIPTION OF PROPOSAL:	Loft conversion with conservation roof windows.
RECOMMENDED DECISION:	GRANT

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 The proposed new roof light shall be of the conservation type and shall be installed so that it is not any higher than the surrounding roof tiles.

Description of Proposal:

Loft conversion with the installation of Conservation-type roof light on the rear roof slope.

Description of Site:

An end of terrace, two-storey house which is part of a conversion of the old school buildings to residential use. The whole area is within the Conservation area and within the Green Belt.

Relevant History:

EPF/1561/97 Conversion of school buildings to dwellings approved

Policies Applied:

GB2A Green Belt Policy
HC 6 Developments in conservation areas
HC 7 Conservation area design and materials
DBE 9 & 10 Amenity

Issues and Considerations:

The main issues are the impact of this proposal on the Green Belt, Conservation area and the amenities of neighbouring properties.

1. Green Belt

There will be no harm caused to the openness and appearance of the Green Belt as a result of this scheme.

2. Conservation Area and Design

The windows will be installed on the rear roof slope just above the roof of existing pitched roof dormers. They will be of a conservation-approved type and design which will be in keeping with the character and appearance of the building and the area. The Council's Conservation Officer has raised no objections to its design subject to conditions regarding materials.

Many of the objectors have commented that the scheme is out of character with the area and the current built form. However, this is a very modest change, on a rear roof slope, which is less sensitive than a front roof slope, and it is considered that it will not affect the character of the area, nor set an unwelcome precedent.

3. Amenity

The properties that might be affected by overlooking are nos. 22 and 26 to each side and 28 to the rear.

There will no further overlooking of the side neighbours than already occurs from the existing rear 1st floor windows.

No. 28 is some 32m distant and there is a pitched roof garage between the two properties.

Therefore there will be no excessive adverse overlooking caused by this scheme sufficient to justify refusing permission.

4. Other Matters

The potential for damage to be caused to the building as a result of any building works has been raised by some objectors, but this is a matter to be dealt with under the building regulations and other legislation.

Any need for separate consents from the Management Company are not relevant to this application.

Conclusion

This is a minor scheme which causes no harm to the Conservation Area or amenities of neighbours. It is therefore recommended for approval.

Summary Of Representations

TOWN COUNCIL – Object, as Great Stony Park is a heritage area the additional roof lights would be out of character.

27 GREAT STONEY PARK – the houses are all identical and match other houses on the site. This development will be out of character with the rest of the houses and will set a precedent. This is a unique site and important we preserve the original design.

GREAT STONEY PARK RESIDENTS ASSOCIATION – in the deeds the residents must agree all structural changes with the freeholder. We have received no such application. In order to keep the site as close to the original design as possible it is essential to stop developments of this type. This will be out of character to the original design.

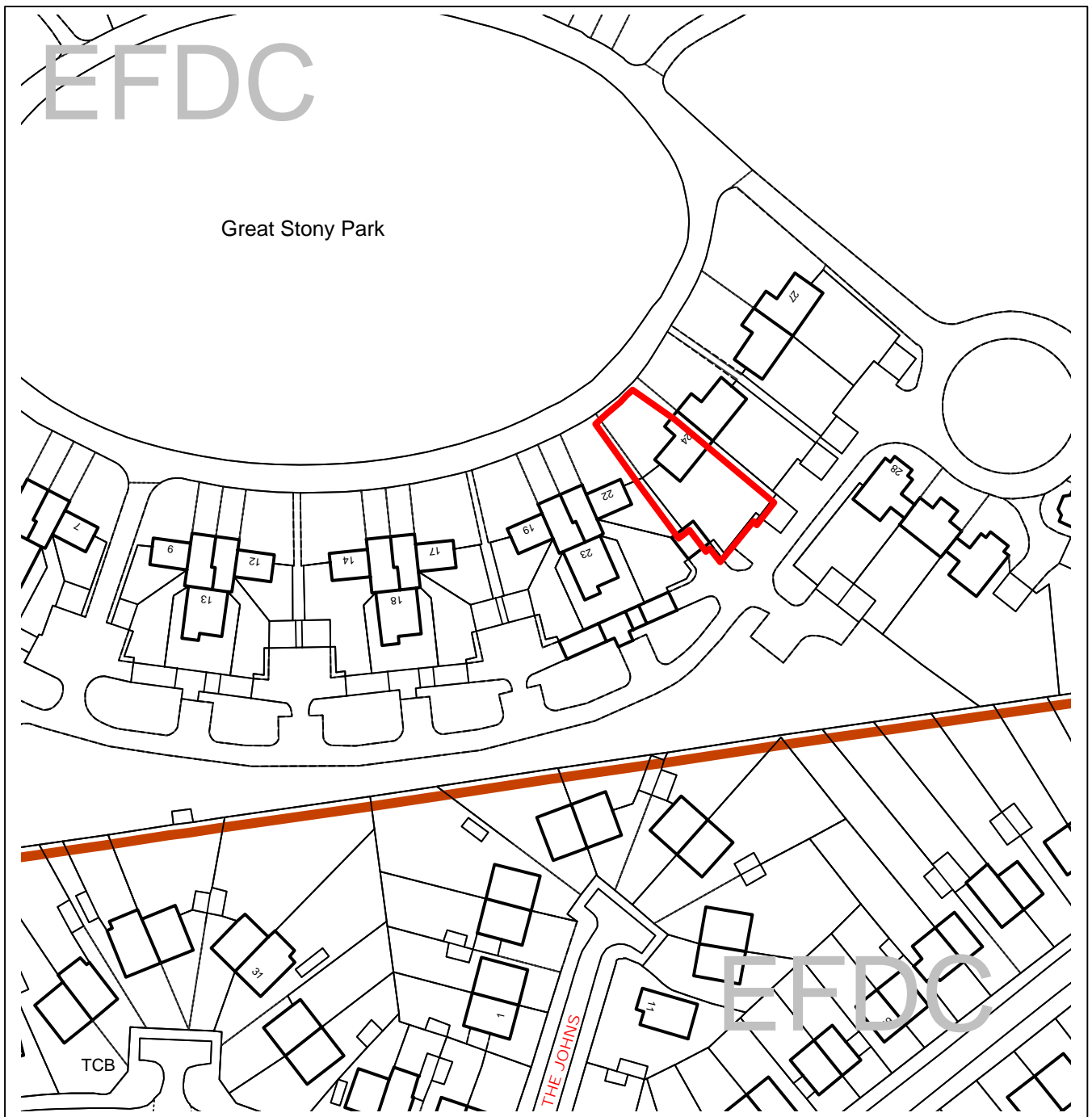
26 GREAT STONEY PARK – this is a conservation area and this change will affect the appearance of the other houses. This will set an unwelcome precedent.

25 GREAT STONEY PARK – I will lose my privacy as will others, will be out of character and destroy this unique and unspoiled complex, damage to buildings.



Epping Forest District Council

Area Planning Sub-Committee



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Agenda Item Number:	1
Application Number:	EPF/1614/06
Site Name:	24, Great Stony Park, Ongar
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/1787/06
SITE ADDRESS:	Land adj to 22 Cloverley Road Ongar Essex
PARISH:	Ongar
APPLICANT:	Mrs M Pell
DESCRIPTION OF PROPOSAL:	Erection of single detached dwelling for residential use.
RECOMMENDED DECISION:	GRANT

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 3 Prior to the commencement of development details of screen walls, fences or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected before the occupation of any of the dwellings hereby approved and maintained in the agreed positions.
- 4 Notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995 (or of any equivalent provisions of any Statutory Instrument revoking or re-enacting the Order) no windows other than any shown on the approved plan shall be formed at any time in the flank walls of the building hereby permitted 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 1 Class A shall be undertaken without the prior written permission of the Local Planning Authority.
- 6 Before the commencement of the development or any works on site, details of the landscaping of the site, including retention of trees and other natural features, shall be submitted in writing for the approval of the Local Planning Authority, and shall be carried out as approved.
- 7 All construction/demolition works and ancillary operations (which includes deliveries and other commercial vehicles to and from the site) which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Description of Proposal:

This application is for the erection of a detached two storey dwelling with associated amenity space. The proposed dwelling is to be 6 metres wide and 8.4 metres tall.

Description of Site:

The application site comprises a vacant plot of land located on the eastern side of Cloverley Road. Building lines within the vicinity of the site are uniform, and the road contains a mixture of dwelling types, ranging from detached to terraced. All are two storeys however, and are set within uniformly sized plots of land.

Relevant History:

EPF/507/03 – Erection of new dwelling.
Refused planning permission and subsequently dismissed on appeal on 18/9/2003.

Policies Applied:

Core Strategy, Built Environment and Housing Provision Policies from Epping Forest District Council's Adopted Local Plan: -

- CS2 – Protecting the natural and built environment.
- BE1 – Urban intensification.
- H2 – Housing development – the sequential approach.
- H3 – Location of residential development.
- H4 – Development form of new residential developments.

Core, Design and Highway Policies from Epping Forest District Council's Adopted Local Plan and Alterations:-

- CP7 – Urban form and quality.
- DBE1 – Design of new buildings.
- DBE2 – Effect of new buildings on surroundings.
- DBE8 – Provision of private amenity space.
- DBE9 – Amenity considerations.
- ST4 – Highway safety.
- ST6 – Vehicle parking.

Issues and Considerations:

There are several issues with this application:

1. Suitability of the site for residential development and adequacy of plot.
2. Design and appearance.
3. Impact on neighbours.
4. Highway considerations and other matters.

1. Suitability of site for residential development and adequacy of plot.

The application site lies within the built up section of Ongar, in an area that is predominantly residential. The Local Plan does not identify the site or surrounding area for any alternative form of development, and there are no policy constraints that restrict the principle of a replacement dwelling. Policy BE1 of the Structure Plan promotes the intensification of use of land within urban

areas, and PPS3 also states that re-development for housing in urban areas should maximise the available land. Re-development with a larger dwelling is therefore in accordance with the criterion.

The previous application proposed a dwelling within the confines of the boundaries of the existing plot of land between Nos. 22 and 26 Cloverley Road. This was refused (and subsequently dismissed on appeal) on the basis of an inadequate plot (that would be out of character with surrounding properties) and insufficient amenity space. This application provides a larger plot size, which incorporates part of the existing rear garden of No. 22. This would provide a rear garden of some 5.2 metres in width (instead of 2.5m) for the proposed new dwelling, and would leave No. 22 with a width of approximately 4 metres (measurements refer to the end of the garden). The resulting plot sizes are comparable to those for existing properties.

In terms of amenity space, approximately 100 square metres are provided, which is in excess of what is required by the Local Plan. Overall, the revision to the plot size that has been made overcomes the previous issues with residential development on this site.

2. Design and Appearance

Aesthetically, the proposed dwelling is designed with regard to adjacent surrounding properties (traditionally styled early 20th century architecture) and is acceptable in the street-scene. Ridge height would be comparable to either neighbouring property, and the dwelling would appear as an acceptable feature in the street-scene.

The property is to be positioned 1 metre away from the boundary with No. 26, and although the property is to be constructed up to the new boundary with No. 22, a gap of 3 metres is to be retained between the two dwellings. Consequently a terracing effect will not occur. In any case, the road is a mixture of terraced, semi-detached and detached properties so a terracing effect would not be a problematic issue.

The new dwelling would respect and relate to the established building line, and in terms of the overall plot layout and arrangement, would relate well to the established pattern of development.

3. Impact on neighbours

The proposal is positioned in such a way that overlooking would not be over and above levels that would be expected for a conventional residential dwelling, and no undue losses of amenity will occur in this respect. No side windows are proposed that would give rise to overlooking. Rear windows at No. 22 may see some reduction in light, however the part of the proposal nearest that property is single storey so any effects would not be excessive.

Rear windows at No. 26 nearest to the site will also suffer from some loss of light and afternoon sun, however this will not be at a level that would justify withholding planning permission. In any case, the relationship between the proposed dwelling and No. 26 will be similar to that between No. 26 and No. 28.

4. Highway Considerations and Other Matters.

No off-street parking is proposed with this development. Concern has been raised that this proposal would add to increased on-street parking and lead to excessive congestion within Cloverley Road. Adopted Vehicle Parking Standards no longer set minimum levels for vehicle parking, but set ceilings and maximum levels. Consequently this means that a new dwelling may have no off-street parking, and would still comply with Adopted Vehicle Parking Standards. Ongar is however not particularly well served by public transport in comparison to more urban parts of the district. Many of the properties in Cloverley Road do not have off-street parking, and this is an established feature of this road. With comparatively few dwellings having off-street parking, and in

the light of the parking standards it is considered that a refusal on the basis of lack of parking would be very difficult to defend on appeal.

Concern has been raised as to the impact of the building works on the surrounding properties, however these are matters that would be controlled during the Building Regulation procedures. Details of fencing can be controlled by way of a condition.

Conclusion

The revised plot size has overcome the previous reasons for refusal, and this scheme now proposes an acceptable dwelling within an appropriate plot size. The representations of neighbouring properties have been carefully considered but this proposal does not give rise to any issues that would justify withholding planning permission once again. The application is recommended for approval.

Summary of Representations:

TOWN COUNCIL – No comment.

35 CLOVERLEY ROAD – Express concern regarding parking and road usage as no provision for off-street parking. Cloveley Road is rather narrow and has little provision for off-street parking. Most vehicles have to park on the pavement to ensure a clear passage, especially in the area of the proposed dwelling which is on a slight bend. On numerous occasions large vehicles have to get residents to move cars to enable them to get through. Also concern for emergency vehicles. This application can only exacerbate an already difficult situation.

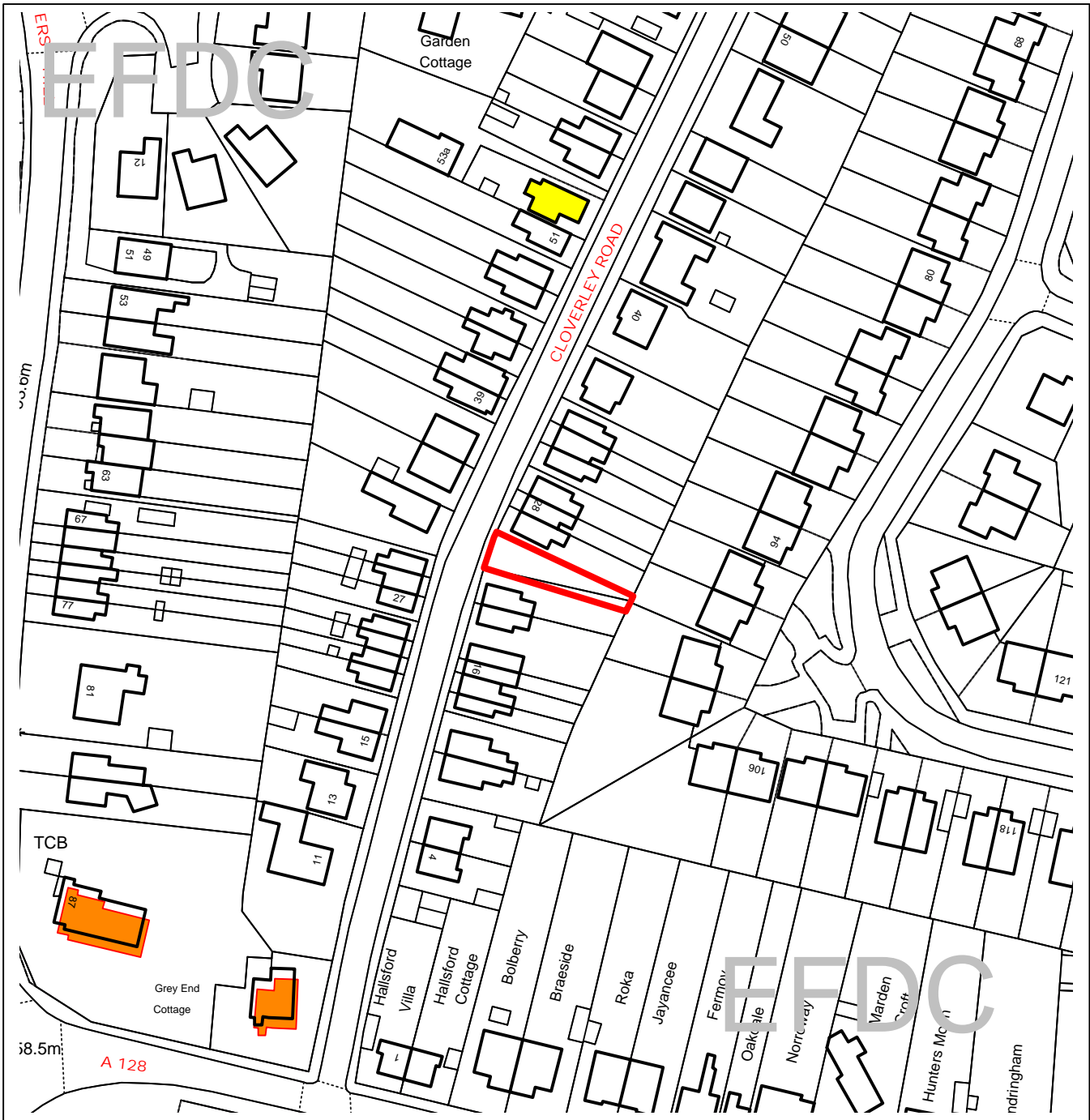
26 CLOVERLEY ROAD – Oppose on the grounds of over development in the road. One of these concerns is off street parking, which the property will not have. Cloverley is a thoroughfare for traffic with inadequate access for the emergency services during evenings, nighttimes and weekends. Request assurance that if permission is granted that any damage incurred to my property can be rectified and that there can be no alteration to the plans regarding windows or doors overlooking No. 26. Close proximity of the new house also causes great concern so I would like the developer to erect a 2 metre weatherboard fence from front to back of the property. Would like to strongly reinforce my opposition to this plan in an already overcrowded road.

13 CLOVERLEY ROAD – I have no objections other than the fact that it will increase parking problems in this narrow road. One can see on most days, especially evenings and weekends, cars crammed together taking up pavement space and forcing people to walk in the road. Any more building will make this worse, the owner's cars or visitors' cars.



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Agenda Item Number:	2
Application Number:	EPF/1787/06
Site Name:	Land adj.22, Cloverley Road, Ongar
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/2141/06
SITE ADDRESS:	Maybanks Farm Epping Road Ongar Essex CM5 9SQ
PARISH:	Stanford Rivers
APPLICANT:	Mr B Hollington
DESCRIPTION OF PROPOSAL:	Erection of hay barn. (Revised application)
RECOMMENDED DECISION:	GRANT

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

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

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

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

- 3 The development, including site clearance, must not commence until a scheme of landscaping and a statement of the methods of its implementation have been submitted to the Local Planning Authority and approved in writing. The approved scheme shall be implemented within the first planting season following the completion of the development hereby approved.

The scheme must include details of the proposed planting including a plan, details of species, stock sizes and numbers/densities where appropriate, and include a timetable for its implementation. 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, and in writing.

The statement must include details of all the means by which successful establishment of the scheme will be ensured, including preparation of the planting area, planting methods, watering, weeding, mulching, use of stakes and ties, plant protection and aftercare. It must also include details of the supervision of the planting and liaison with the Local Planning Authority.

The landscaping must be carried out in accordance with the agreed scheme and statement, unless the Local Planning Authority has given its prior written consent to any variation.

- 4 The hay barn hereby approved shall only contain hay cut from the application site as indicated in blue on the submitted plan all hay shall be stored within this and the two existing buildings at the site only. No hay shall be stored externally including none on any moveable trailers at the site, unless otherwise agreed in writing by the Local Planning Authority.
- 5 Before work commences on the site, details of the foundations to the proposed hay barn shall be submitted to and agreed in writing by the Local Planning Authority. The details as agreed shall be carried out thereafter.
- 6 The hardstanding and access road to the new barn, as shown on the approved plan, shall be grasscrete only, unless otherwise agreed in writing by the Local Planning Authority.
- 7 Before the hay barn is first brought into use, a drawing shall be submitted to the Local Planning Authority showing the number and position of any trailer to be stored at the site. The details as agreed shall be adhered to thereafter, unless otherwise agreed in writing by the Local Planning Authority.
- 8 The position of the new access gates as shown on approved drawing no. 1104/5A shall be carried out and completed to the satisfaction of the Local Planning Authority before the hay barn hereby agreed is first brought into use. The details of the size and appearance of the gates shall be agreed prior to their installation on the site.

Details of Proposal:

Erection of barn for hay storage, measuring 7.62m x 30.5m in area and 6m high to the central roof ridge. Externally, the barn would be finished in a dark green plastic coated profiled steel sheeting on three sides and would be located on the eastern extremity of the site, approximately 30 metres back from the road and adjacent to the site boundary with Toot Hill Golf course. It will be served by a new access, set in grasscrete, continuing from the existing vehicular access to the site.

Description of Site:

The site lies on the south side of Epping Road and is accessed from the road leading into a field serving a stable building, a barn, a number of vehicle trailers with a roughly surfaced forecourt.

Along this frontage to the road, there is a hedge, which continues east beyond the site boundary. The site extends southwards from these buildings and is fenced into paddocks. The land rises south within the applicants land to a peak, beyond which there is a field for the growing of hay. Also on the road frontage, west of the stables, there is a Grade II listed farmhouse, occupied by the applicant. To the north, there is residential development, to the east Toot Hill Golf Course; otherwise this is open countryside.

Relevant History

EPF/423/95 – Farm store building – Granted.

EPF/1607/98 – Conversion of barn to stables, consisting of 12 loose-boxes – Granted subject to a condition stating no livery use.

EPF/116/00 – Proposed barn – Refused planning permission and Dismissed on Appeal: - harm to openness of Green Belt and visually intrusive from the road.

EPF/306/04 – Continued use of Stables for Livery purposes – Refused planning permission and subsequent appeal dismissed: - Harm to the Green Belt and to residential amenity.

EPF/1654/06 – Erection of Hay Barn – Withdrawn by the applicant.

EPF/1655/06 – Use of existing stables for the livery of up to 10 horses and new access to the site – Withdrawn by the applicant.

Relevant Policies

Local Plan policy GB2A and Structure Plan policy C2 – Development not be granted for development unless it is appropriate to the Green Belt.

GB11 – Criteria for assessing agricultural buildings.

LL2 – Development in countryside respect character of landscape and/or enhance its appearance.

DBE2 and DBE9 – Harm to the amenities of local residents living in the vicinity of the site.

Issues and Considerations

The main issues in this case are:

1. Whether the proposed hay barn is appropriate in Green Belt terms
2. Would it adversely affect the appearance of the locality, including the openness of the Green Belt
3. Would it harm the amenities of the residents living in the vicinity of the site.

1. *Appropriate Development in the Green Belt*

A good deal of the applicant's overall site is laid out as paddocks for horses kept on the land. But out of sight from the current buildings over a hill and south of the site the applicant produces a hay

crop from land in his ownership, which he states is sold from the farm. One cut, he states, is taken each summer and currently 4000 bales are produced each year. Evidence has been submitted of hay sales for the last couple of years, including hay sales to the livery tenants on the site. He is seeking other land, despite selling off land in Mill Lane in the last 10 years, to increase further the amount of hay for sale. The current barn stores some of the hay, but he claims that the remaining hay seen on the site stored on up to 14 trailers and in small covered stacks in the open is the remaining hay from the land. Farm equipment, tractors etc are also generally stored outside. The proposed hay barn will therefore allow a greater and more satisfactory area for hay storage (up to 5,460 bales) as well as dry, covered storage of unsold hay, rather than the unsatisfactory, unsightly storage on trailers. Whilst some of the hay will be used by the horses on the land (a non-agricultural use) the majority would appear to be for genuine agricultural business use. Officers therefore consider the proposal is appropriate development in principle in the Green Belt. Admittedly, this is a different view from the Planning Inspector on the 2001 appeal for a larger hay barn, who considered the mixed use of the site involving a non-agricultural use (keeping of horses) made this an inappropriate use. The proposal therefore complies with policy GB2A of the Local Plan.

2. Visual Impact

The previously dismissed appeal hay barn was to be twice the width and 0.7 metres higher than the proposal. It was also proposed to be in a more open position in the field, behind the existing buildings, such that the Planning Inspector concluded that it would harm the openness of the Green Belt and be prominently visible from the road and houses opposite. The recent withdrawn hay barn (EPF/1654/06) was to be adjacent to the front boundary of the site to the road, partly concealed behind the existing hedge and served by a re-sited new vehicular access. Officers urged the applicant to withdraw this because it would have been too dominant and bulky in this position, and the new access directly opposite 22 Epping Road, would have been very unneighbourly.

It is acknowledged that this is a large structure, but hay barns generally are on most farms. There appears to be a need for it, so the proposed location towards the tree and hedged eastern boundary with the golf course would ensure some good screening to lessen its impact. In this position, there is also hedge screening to the road, although further soft landscaping is also required to ensure further screening is provided. From the road, the proposal will be 30 metres away and 55 metres from the nearest house. The access will remain in the same position and the use of grasscrete will help to safeguard against the current hardstanding being too extensive or harmful to the appearance of the countryside. A dark green external finish is also appropriate in this rural location.

In this position it is also lower than the road. An alternative to locate it directly behind the stables would be in more of a hollow on the site where it is prone to flooding and therefore not suitable for the storage of hay. Behind the applicants own house, it will be in an elevated position and very prominent in the landscape.

On balance therefore, it is considered that the building is in a suitable location on the site and by being over to one side, it will not clutter up the appearance of buildings on the site. It therefore complies with policy GB11 and LL2 of the Local Plan.

3. Neighbouring Residents Living Conditions

As already stated, this is a large building and potentially could appear bulky in appearance. The neighbours will have view of it from upper floor windows of their houses, but from street level, it will be reasonably screened to not cause loss of outlook or visual amenity. Vehicular movement associated with the agricultural use is not considerable and the new hay barn should not add unreasonably to traffic movement to and from the site. The vehicular entrance would be improved by setting new gates back into the site to allow a vehicle to turn into this area before entering the site, and therefore be clear of the highway. The proposal complies with policies DBE2 and 9.

4. Other Matters

The hay barn will be sited close to an oak tree on the golf course boundary. It will not interfere with its crown spread, but is likely to potentially affect its roots if deep foundations are dug. Details of foundations are therefore required and are conditioned.

The Parish Council comments have been carefully considered. The site overall is of poor appearance to the road and particularly to the residents living opposite. There are numerous trailers scattered around the site, which are no longer going to be required for the storage of hay. It is therefore appropriate in this case to impose a condition stating that all hay shall be stored in the barns on the site (and cut from the land only) and there shall be no external storage of hay. Any built development will require further planning permission and therefore it is not necessary to impose further restrictions by condition when the merits of any future scheme can be judged at that time. A condition restricting the use to non-industrial again is not necessary, as the use of the barn for other purposes will require a new planning application.

Conclusion

In summary, the proposal is appropriate development in the Green Belt and in a relatively sheltered location, will not be visually imposing on the openness of the Green Belt or the street scene. The visual and residential amenities of the local residents will not be seriously impaired. On balance, it is considered that a further additional building is acceptable.

However, to preserve the open character of the surrounding countryside, any further development proposals are likely to be refused planning permission.

Summary of Representations

PARISH COUNCIL – No Objection, subject to site cleaned up and existing trailers removed, no outside storage of hay, more screening (particularly to protect nos. 36 and 40 on higher ground), no further development on site (no infill between proposed and existing building), non-industrial use order to be imposed. Given history of this site we would like to see some legal agreement drawn up imposing these provisos. Such an agreement to have the force of Law behind it whereby Court action would ensue if agreement were broken – in order to protect local residents interests given how enforcement notices and planning restrictions are blatantly ignored.

30 EPPING ROAD – Object. Barn is excessive in size for the volume of hay currently used or sold off site. Size of barn appears to depend on whether the applicant purchases further land, but true that the current loaded trailers littering the site appear to be in excess of the applicants current demand, therefore concerned about an increase in traffic movements generated by the sale of hay, irrespective of being sold in bulk or small amounts. Object to bulk and size of the building within the countryside.

8 EPPING ROAD – Constant planning applications and appeals because of what applicant wants all the time and it is us who have to look at this building everyday and do not wish for our countryside and views to be blighted anymore by another barn, site already over-developed, even if requires landscaping his last attempt to plant conifers for screening didn't even grow and the suggested proper management of the existing pond and surrounding areas is unlikely to occur given his neglect of this over the last 10 years since we have lived here, building be unsightly, make more noise and danger for us if catch fire.

CAMPAIGN TO PROTECT RURAL ESSEX – Object. Hay barn is too large and too obtrusive in the Green Belt.

18 EPPING ROAD – Further intrusive development in the Green Belt and fail to enhance the character of the local countryside as covered under policy GB11 (ii) and (iii), erection of another barn will impede outflow of water in times of flood, which the locality is prone to and has suffered serious flood damage on at least two occasions.

22 EPPING ROAD – Third barn at the site will detract from Green Belt openness and visual amenities of residents, no change from previous dismissed appeal for a hay barn, current buildings were meant to be agricultural buildings, does not store agricultural crop as stated and only uses it to feed the livery horses as the hay never leaves the site, no agricultural justification for this development, contrary to policy GB11 and applicant habitually ignores any planning condition, he states he is trying to expand his farm, then why does he sell off 40 acres of pasture land less than a mile from his house in Mill Lane, fire hazard close to residential property.

20 EPPING ROAD – Object, increased development and area of enclosure and activity associated with horse movements, resulting in noise and disturbance to local residents, looking for additional land/hay to increase storage so expect may make future planning applications, position close to a ditch and therefore likely to flood here as well, he does not want it outside his house and therefore why is it proposed here, size of existing development is sufficient, will continue to have trailers on his land to cause annoyance to local residents, inappropriate development and not in keeping with the rural setting that existed before this piecemeal development.

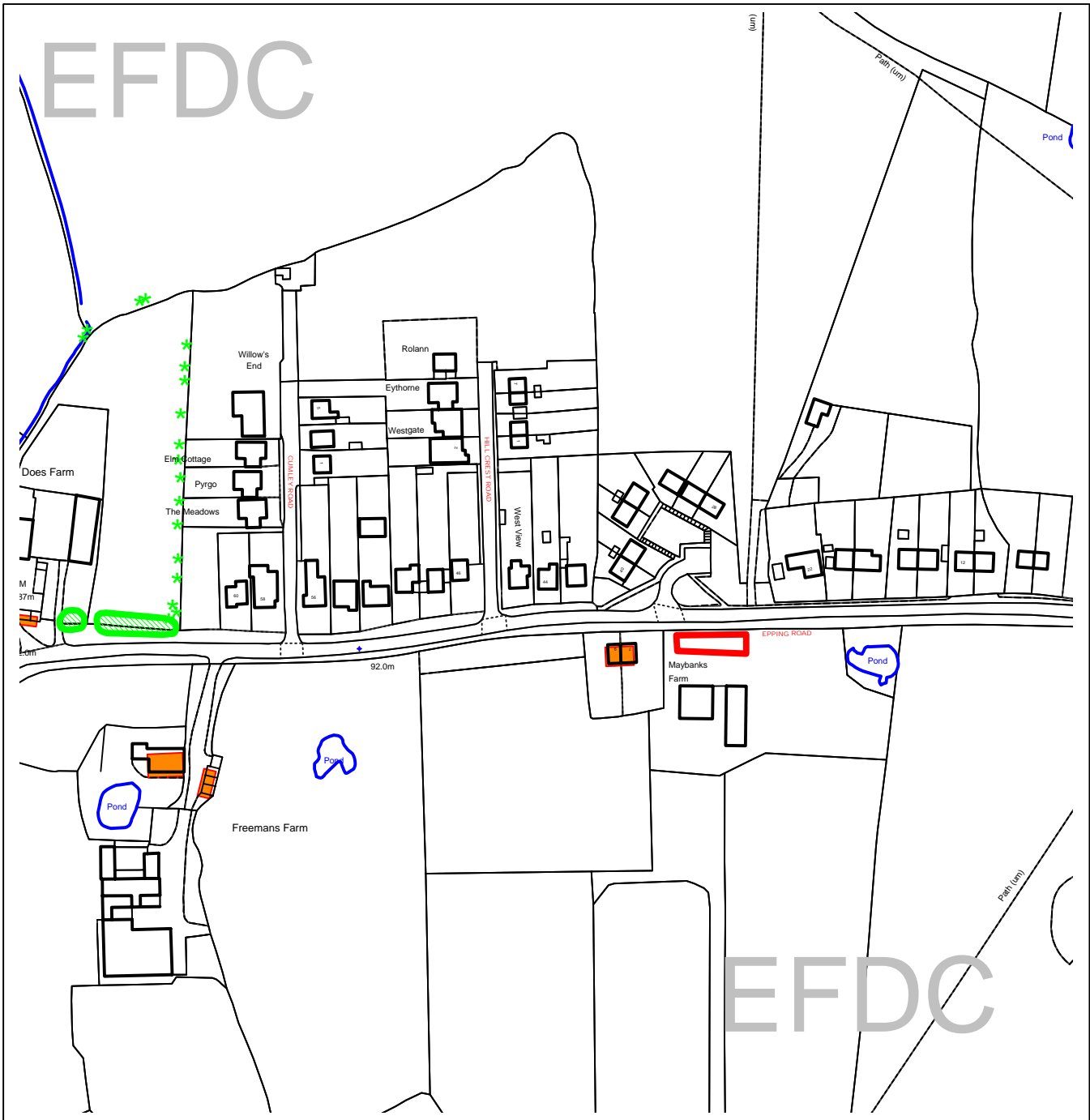
12 EPPING ROAD – Object, similar structure dismissed on appeal, be a significant over-development of the site on green belt land which is closest to the residential properties, already two large barns on the property, considerable visual impact at 6.0m high which only moderate when trees in leaf, access road to new barn will cause noise and disturbance to residents. Site been significantly developed and increased commercial activity, overall appearance of site is poor with numerous trailers.

PETITION SIGNED BY 26 RESIDENTS OF 17 LOCAL HOUSEHOLDS – Object, live within 250m of the site, believe has been enough development at this location, contravenes green Belt policy, barn is large and inappropriate in a residential area. Ask Parish Council to reflect view of local residents and object strongly.



Epping Forest District Council

Area Planning Sub-Committee



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Agenda Item Number:	3
Application Number:	EPF/2141/06
Site Name:	Maybanks Farm, Epping Road, Toot Hill, Stanford Rivers
Scale of Plot:	1/2500

Report Item No: 4

APPLICATION No:	EPF/2142/06
SITE ADDRESS:	Maybanks Farm Epping Road Ongar Essex CM5 9SQ
PARISH:	Ongar
APPLICANT:	Mr B Hollington
DESCRIPTION OF PROPOSAL:	Use of existing stables for the livery of up to seven horses. (Revised application)
RECOMMENDED DECISION:	REFUSE

REASON FOR REFUSAL

- 1 The proposed use of the existing stables for the livery of seven horses would harm the openness of the character of the surrounding countryside and therefore represent inappropriate development in the Metropolitan Green Belt, contrary to policies Structure Plan policy C2 and Local Plan policies GB2A and GB8A.
- 2 The proposal will result in undue loss of residential amenity to residents living in the vicinity of the site, by reason of vehicular activity and comings and goings to the site during unreasonable early hours of the morning, contrary to policy RP5 of the adopted Local Plan.

Details of Proposal:

Use of existing stables for livery of up to seven horses.

Description of Site:

The site lies on the south side of Epping Road and is accessed from the road leading into a field serving a stable building, a barn, a number of vehicle trailers with a roughly surfaced forecourt. Along this frontage to the road, there is a hedge, which continues east beyond the site boundary. The site extends southwards from these buildings and is fenced into paddocks. The land rises south within the applicants land to a peak, beyond which there is a field for the growing of hay. Also on the road frontage, west of the stables, there is a Grade II listed farmhouse, occupied by the applicant. To the north, there is residential development, to the east, Toot Hill Golf Course; otherwise this is open countryside.

Relevant History

EPF/1607/98 – Conversion of barn to stables, consisting of 12 loose-boxes – Granted subject to a condition stating no livery use.

EPF/116/00 – Proposed barn – Refused planning permission and Dismissed on Appeal :- harm to openness of Green Belt and visually intrusive from the road.

EPF/306/04 – Continued use of Stables for Livery purposes – Refused planning permission and subsequent appeal dismissed in 2006:- Harm to the Green Belt and to residential amenity.

EPF/1654/06 – Erection of Hay Barn – Withdrawn by the applicant.

EPF/1655/06 – Use of existing stables for the livery of up to 10 horses and new access to the site – Withdrawn by the applicant.

Relevant Policies

Local Plan policy GB2A and Structure Plan policy C2 – Development not be granted for development unless it is appropriate to the Green Belt.

GB8A – Change of use of buildings in the Green Belt.

RP5 – Development causing noise or other disturbance to residential development.

ST4 – Highway Safety.

Issues and Considerations

The main issues in this case are:

1. Whether the activity is by definition appropriate development in the Green Belt
2. Would it adversely affect the appearance the openness of the Green Belt
3. Would it harm the amenities of the residents living in the vicinity of the site and
4. Would it give rise to additional hazards to road safety.

1. *Appropriate Development in the Green Belt*

The stable building is split into 12 stalls, converted from an existing barn, and measures 14m by 14m in area. It is set back 24 metres from the road frontage, almost in front of its site access. Planning permission was granted in 1999 subject to a condition stating that the stables shall not be used for any business or commercial activity such as livery, but only for the keeping of horses for private recreational purposes. At the 2005 appeal hearing against the council's refusal of planning permission to use all 12 stalls of the stables for livery, it came to light that livery in the stables had commenced in a small way in 2001 and had expanded to the degree where all 12 stalls at the site were used for livery. One of the reasons the Planning Inspector dismissed the appeal was that it represented inappropriate development in the Green Belt. He did concede that Government advice in PPS 7 "Sustainable Development in Rural Areas", defined small-scale horse enterprises as

those involving up to 10 horses. Given the applicant can keep 12 horses for non-business use in the stable, the proposed keeping of 7 for livery purposes in this planning application would appear to fall within this definition of "small-scale".

2. Openness of the Green Belt

The stable building itself does not impact upon the openness of the Green Belt, but, as the Planning Inspector considered in the same appeal, it is necessary to consider the activities and comings and goings that stem from this use, which may harm the openness.

The applicant has made a case for 7 horses for commercial livery. The internal layout of the stables submitted with the planning application shows 10 stalls, with the other 2 as a tack room and a feed room. The 3 remaining stalls will be for the applicant's own private leisure use. The key issue is whether the activity associated with 7 livery horses, being fed, cleaned and cared for by up to possibly 7 different people, not associated with the farm or living at the site, would harm the openness of the surrounding countryside and Green Belt. The Planning Inspector concluded on the 2006 appeal "the parking of cars and horse boxes at the site in connection with the use of the barn as livery stables impacts on the openness of the Green Belt." He further stated that he accepted the council's argument at the time, 12 different horse owners could attend the site at any one time, to the detriment of the Green Belt. The objections raised by local residents have persuaded Planning Officers to conclude that even with a reduction to 7 livery horses, there will be at times a clutter of vehicles on the site open to view to the road and together with vehicle comings and goings associated with livery use, it would harm the openness of the Green Belt, contrary to policies GB2A, GB8A of the Local Plan and C2 of the Structure Plan.

3. Harm to Amenities of Residents Living in the Vicinity of the Site

The applicant denied on the appeal that there was early morning noise and disturbance through client activity before 0600 to 0630 hours. The local residents attending the appeal hearing stated they are disturbed at these times by vehicular activity. Despite the gate to be made quieter on opening and closing as well as assurances that there will be no movement before 0700, this is unlikely to work this effectively in reality. Those clients preparing horses for shows, displays etc. are likely to need an early start for preparation and to travel. Officers therefore fail to see how the applicant can control the action of others and the unsociable hours disturbance will continue to what the Planning Inspector states, in that the "...current use of the site unacceptably erodes the amenities that neighbouring occupiers might reasonably expect to enjoy." This would continue even with the proposed lower number of horses kept for livery.

It therefore conflicts with part (i) of Local Plan policy RP5, because of excessive noise from comings and goings to and from the site at unsociable hours.

4. Highway Safety

The County Council Highway Officers raise no objection to the proposal. The Planning Inspector also raised no objections and his suggestion of setting back the entrance to allow vehicles to pull off the road, could be conditioned, if permission was granted. The proposal is therefore not contrary to policy ST4 of the adopted Local Plan Alterations.

Conclusion

Planning Officers conclude that the condition in 1999 to allow the existing barn to be converted into stables, but subject to no livery, was the correct recommendation in order to safeguard the amenities of the local residents and to ensure the use remains appropriate to the Green Belt. The application is recommended for refusal because it will still harm the openness and still be inappropriate development in the Green Belt, as well as harm the amenities of the local residents at unreasonable early morning hours. If Members consider this is very much a balanced decision, Officers did recommend a temporary one-year permission on the 2004 planning application, before this Committee refused it. However, the Planning Inspector on the subsequent appeal did not feel this would overcome the planning objections in dismissing the appeal.

Summary of Representations

PARISH COUNCIL - Object. 7am restriction un-enforceable and not practical from a horse owner perspective. Traffic noise early morning unacceptable.

18 EPPING ROAD – Further intrusion into the Green Belt, fail to enhance the character of the local countryside. If appeal dismissed on use for 12 stables is upheld, then no further application for an additional hay barn will be required and the stables could revert to their origin as a hay barn, thus removing necessity to encroach into Green Belt countryside.

30 EPPING ROAD – Object. Increase noise and disturbance, not certain what is currently allowed with regard to livery at this site, but there is a great deal of traffic movement, huge horse lorry parks on the site and hard to believe that livery is provided currently to only one family. Even with the very welcome planned changes to the entry gates and alterations to the opening to the stable. Concerned that the number of horses in the future will far exceed any agreed numbers sought now.

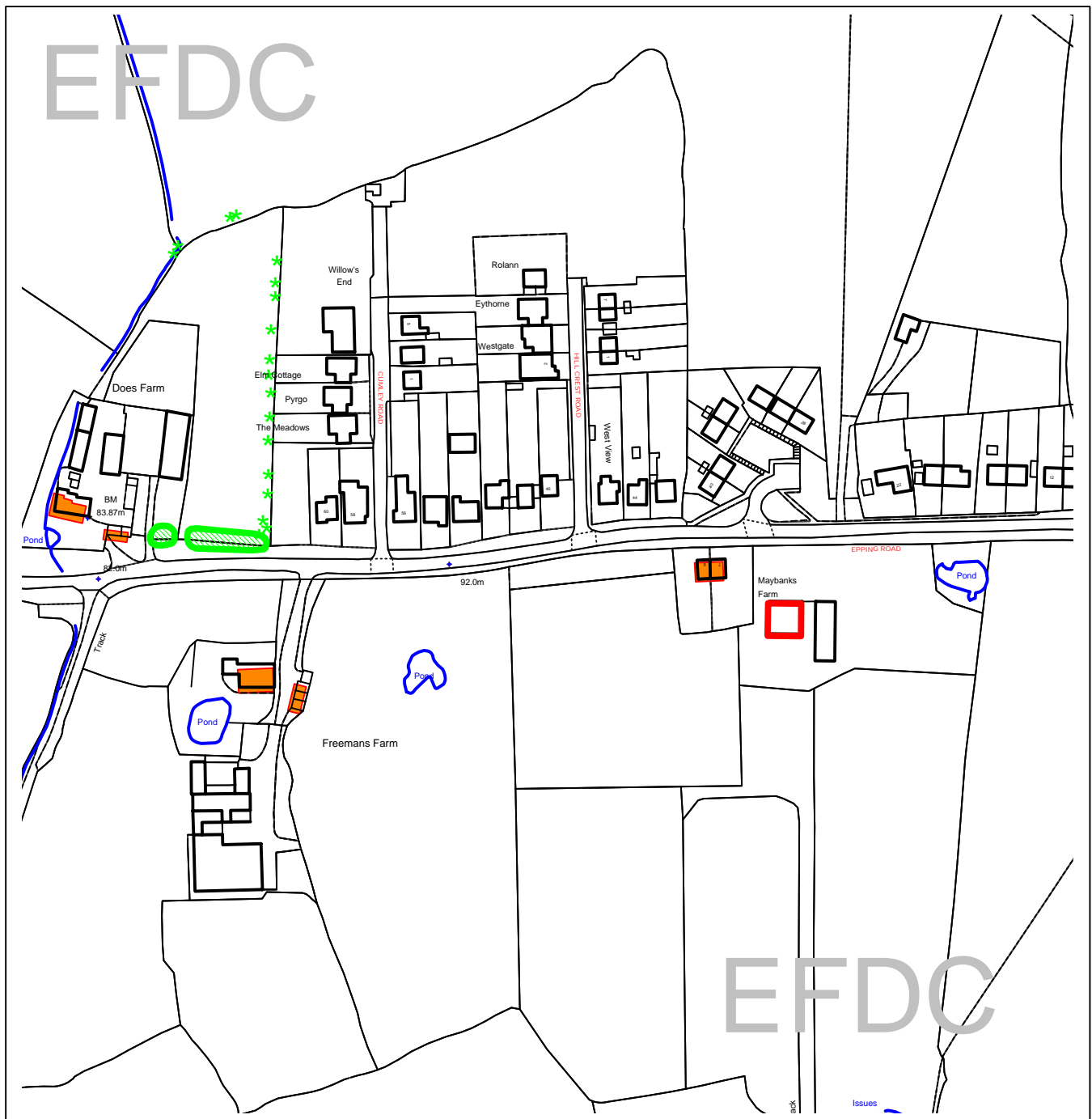
22 EPPING ROAD – Very similar to application recently dismissed on appeal, only difference is no. of horses reduced and location of parking, but still do not make proposal acceptable, indeed moving of parking will require more hard surfaces and roadways, livery continue to attract car movements and parking in the Green Belt, detracting from the openness of the Green Belt, activity encourages permanent parking of horse boxes and trailers. Nature of livery means owner visits their horses before and after work, leading to considerable noise nuisance as gates are opened, cars parked and horses taken and starts at 5.45am. Understand applicant has offered to reduce the hours the livery is open, and horse owners are parking their cars outside the houses opposite and climbing over the gate early in the morning, leading to more noise nuisance to neighbours, site has attracted crime with break-ins and cars stolen.

PETITION SIGNED BY 26 LOCAL RESIDENTS OF 17 LOCAL ADDRESSES – Object. Live within 250m of the site, believe there has been enough development at this location, contravenes Green Belt policy, commercial use of stables already causes unacceptable noise and nuisance in a residential area, ask the Parish Council reflect the view of the residents and object strongly.



Epping Forest District Council

Area Planning Sub-Committee



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Agenda Item Number:	4
Application Number:	EPF/2142/06
Site Name:	Maybanks Farm, Epping Road, Toot Hill, Stanford Rivers
Scale of Plot:	1/2500

Report Item No: 5

APPLICATION No:	EPF/2079/06
SITE ADDRESS:	Land to the east of Willow Mount Epping Road Ongar Essex CM5
PARISH:	Stanford Rivers
APPLICANT:	Mr O'Mahony
DESCRIPTION OF PROPOSAL:	New stable block. (Resubmitted application)
RECOMMENDED DECISION:	GRANT

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 A flood risk assessment shall be submitted to and approved by the Local Planning Authority prior to commencement of the development. The assessment shall demonstrate compliance with the principles of Sustainable Drainage Systems (SuDS). The approved measures shall be carried out prior to the first occupation of the building hereby approved and shall be adequately maintained.
- 3 No tree, shrub, or hedge which are shown as being retained on the approved plans shall be cut down, uprooted, wilfully damaged or destroyed, cut back in any way or removed other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. All tree works approved shall be carried out in accordance with British Standard Recommendations for Tree Work (B.S.3998: 1989).

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

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

- 4 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) have been submitted to an approved in writing by the Local Planning Authority, and these works shall be carried out as approved. These details shall include, as appropriate,

and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle artefacts and structures, including signs and lighting and functional services above and below ground. Details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers / densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 5 No tree, shrub, or hedge which are shown as being retained on the approved plans shall be cut down, uprooted, wilfully damaged or destroyed, cut back in any way or removed other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. All tree works approved shall be carried out in accordance with British Standard Recommendations for Tree Work (B.S.3998: 1989).

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

- 6 No external lighting shall be installed without the prior written approval of the Local Planning Authority.
- 7 There shall be no commercial use of the site whatsoever. Only domestic use by the applicant and his immediate family (spouse and children) is approved.
- 8 The colour of the materials is to be approved in writing by the Local Planning Authority prior to the commencement of the works hereby approved.
- 9 Within one month of the erection of the stables hereby approved all other buildings, structures and debris shall be removed from the site and no further development shall occur without the prior written approval of the Local Planning Authority.
- 10 Details of the means of storing and disposing of manure shall be submitted to and approved by the Local Planning Authority and completed in accordance with these details prior to first occupation of the stables.

Description of Proposal:

Erection of a new stable block. The stable would be erected to the north east of the site, and would measure 15m x 8.3m by 3.7m high, with a pitched roof. It would have an L shape and consist of 2 stables, hay and animal feed store and a tack store.

Description of Site:

The site is an open field about 300m to the west of Toot Hill on the north side of the Epping Road. The land slope up to the west, and at the top of the slope is the property known as Willow Mount, which is in separate ownership. The land to the north of the site is classed as Ancient Landscape in the local plan. The site has an area of 1.01ha (2.5 acres). The whole site is within the Metropolitan Green Belt. There are watercourses on the northern and eastern boundaries of the site. The site is currently used for the keeping of horses and poultry, and there is a hardened track from the site access on the Epping Road.

Relevant History:

EPF/835/87	Building for use as goat rearing farm	refused
1992	Enforcement Notice requiring removal of goat rearing accommodation appealed and dismissed 1992	
EPF/0322/06	Erection of stable block	refused

Polices Applied:

Structure Plan
C2 Development in the Green belt

Local Plan
GB2A Green Belt Policy
HC2 Historic Landscape
RST4 Horse keeping
RST5 Stables
DBE1 Design of New Buildings
DBE9 Excessive loss of amenity to neighbours
LL1 Rural landscape and landscaping
ST 6 Highway Safety

Issues and Considerations:

The main issues are whether the proposed stables are appropriate in this area, their impact on the adjacent historic landscape, whether they are of acceptable design, and whether there would be any impact on the amenities of the neighbouring properties and the welfare of the horses.

The previous 2006 application was refused at Committee due to concerns over the welfare of the horses on the site, to deficiencies in the access, quality and size of pasture, water, electricity supply and drainage. The application was also contrary to policy HC2 as it would detract from the character and physical appearance of the adjacent historic landscape.

The scheme has been redesigned from the previous scheme and the area and number of the stables reduced from 4 to 2.

1. Green Belt & Historic landscape

The site already has a lean-to field shelter and domestic type shed on the land which are of no visual merit. The land is classed as agricultural, but the keeping of horses on land, whilst not agricultural, is a recognised rural type of use. It is considered that there is no harm caused to the openness of the Green Belt by this use of the land.

As well as the two stalls the building will have the usual stable ancillary rooms (Hay, Tack etc) and a storage area for the feed for the poultry on the site.

The building has a floor area of 69m² (from the previously proposed 117m²). Stables are generally considered appropriate in the Green Belt provided they do not significantly impact on the character and appearance of the landscape.

The new stables will be erected along the northern boundary of the site, set back from the road by some 90m, and will be on the lower part of the site, and screened from the north and east by existing mature hedgerows. It is also proposed to implement further landscaping to further reduce the impact when viewed from the road.

Due to the fall of the land, the existing screening on the boundaries of tree/ hedgerows and the distance involved, it would not be conspicuous from the road.

The northern boundary in particular is very well screened by the mature tree line, and it is the case that the proposed stables will not be easily visible from the historic landscape to the north of the site.

Therefore the scheme will cause no harm to the historic landscape. The Council's Conservation Officer has raised no objection to the scheme. It is considered that this is a small scale building, well sited, for an appropriate Green Belt use, and due to its size and siting causes no harm to the openness of the Green Belt, or any harm to the historic landscape to the north.

It should also be noted that a very similar scheme for 4 stables was granted permission in 2004 for land to the west of Willow Mount.

It has been suggested by an objector that to grant permission to this proposal would be contrary to the Inspector's decision to refuse permission in the 1992 appeal for the retention of two buildings for use as a goat farming enterprise. Whilst superficially this is a similar case the facts are different.

In the 1992 decision the question was whether to allow the retention of two partially completed sheds for use as a goat farm. These sheds were located against the eastern boundary of the site and had a floor area of 306m², together with associated hardstand areas.

The Inspector found that whilst the use was appropriate in the Green Belt "...the size of the buildings and the proportion of the site that they would occupy, together with the necessary hard standings, I consider that they would prejudice the open character of the countryside." He also found that no harm would be caused to the neighbours living conditions by the proposed use and there were no highway objections to the scheme.

Therefore the scheme refused comprised of two adjoined buildings, with a floor area some 4 times greater than the single building proposed in this application. In addition areas of hardstand were proposed, which is not the case in this scheme.

In addition conditions can be imposed to ensure the removal of the other structures on the land, which will be a positive benefit to the site.

Therefore this scheme is not contrary to Green Belt or Conservation policies.

2. Horse Keeping

Policies RST4 & 5 set out the criteria for assessing such a proposal. The use for domestic horse keeping is generally appropriate for the Green Belt.

The dimensions of the stables are in keeping with the recommended standards in the Local Plan.

It is inevitable that there will be some use of the surrounding roads and paths, but this is not unusual in rural areas. The applicant has confirmed that there is, and will be, no commercial use of the site, and this is purely for the domestic stabling of family horses, and this can be conditioned.

There are a number of bridleways within the immediate vicinity, and the area of land is large enough to allow the exercising of the two horses on site.

The applicant has provided evidence that there is an electrical and water supply to the site.

The applicant has also provided veterinary evidence of the current state of the horses on the site, which are healthy and in good condition. The scheme now also proposes to paddock the site into 4 separate areas to allow rotation of use by the horses and reseeded of the site. The applicant intends to carry this out as soon as the scheme is approved, and can be the subject of conditions.

The applicant has also collected droppings on a regular basis, and this was evident during the Officers site visit. It was also evident that the land was in fairly good condition, with excessive visible rocks or other hardened material having been removed by the applicant, and was not excessively rutted by use by the horses. The applicant has been in discussions with the British Horse Society over this issue and has changed the plans to accommodate their concerns over the quality of the land.

The British Horse Society also proposes minimum land requirements based on the area of pasture needed for grazing through the summer months and for horses kept in the open for 24 hours a day is 1 to 1 ½ acres per horse. This site meets these criteria. However this area can safely be reduced if the horses are to be stabled for the majority of the day and let out for several hours. This is the case at this site, as the owner proposes to continue his current twice daily visits to the site. Therefore it is considered that the area of land is more than adequate for the purposes proposed in this application.

Although the applicant does not live in close proximity to the site (living in Chadwell Heath) he visits the site twice daily and has friends in the village who can visit the site if he is unable. The site is also fenced and there is an electric fence in position as well to keep the animals from escaping from the site.

The Land Drainage Section have commented that they have no objections to the scheme subject to the relevant condition.

Therefore it is considered that this scheme will have no adverse effects on the welfare of the horses kept on site.

3. Design

The proposed block would be of an L shape with stained weatherboarding with a tile roof. The design and materials are considered appropriate, and are commonplace in this area, and will have no adverse impact in this rural area.

The colour of the materials can be conditioned to assist with the building integration into the rural landscape.

4. Access and Car Parking

The access already exists and there is sufficient parking on the site for this proposed non-commercial use.

One objector has commissioned a Consultants report into the site, some of which concerns highways issues. This states the access is substandard and a hazard to other road users.

However, the Councils Highways Department have assessed the scheme and the objector's report, and their conclusion is that the use of this existing access for the level of existing and proposed use would not cause any highway hazard which would justify a refusal. It should be noted that the Inspector in the 1992 Appeal also concluded that there was no harm to highway safety from that scheme, which would have resulted in a significant intensification of use of the site.

5. Effect on Neighbours

The proposal can be conditioned to reduce the impact on neighbouring property to the west from muck heaps.

There is no adverse effect to any neighbour from this scheme.

Conclusion

Officers consider that this scheme has overcome the previous reasons for refusal. This is a small-scale building to be used for a non-commercial use. It is of an acceptable design, and would not have such an adverse effect on the Green Belt, or the adjacent historic landscape as to warrant a refusal. It also differs considerably in scale when compared to the previously refused scheme for a goat farm. It does not cause any further highway safety issues than the existing use. It is in line with national and local policies and therefore the recommendation is for approval.

SUMMARY OF REPRESENTATIONS RECEIVED

PARISH COUNCIL – NO OBJECTION

DOES FARMHOUSE – Object, this is encroaching on and eroding the Green Belt with a view to a later application for a permanent dwelling. British Horse Society concerns are valid, actions are more important to animal welfare

7 MERSEY AVENUE, UPMINSTER – I pass through this area on a regular basis and recently nearly had an accident with a vehicle departing from this gateway to the property.

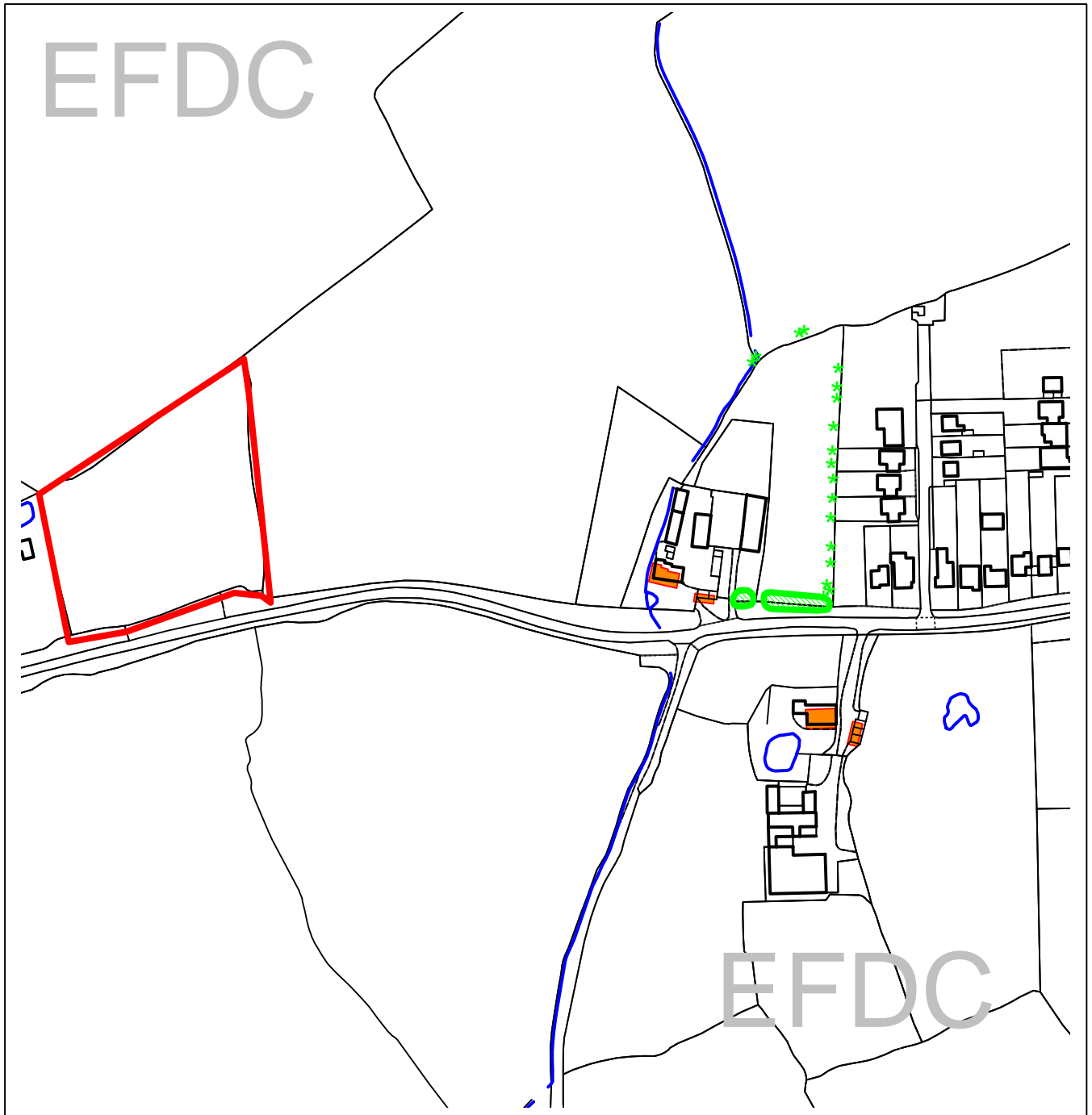
WILLOW MOUNT – when the previous application was turned down one of the observations made related to the site not being suitable for grazing unless it was cleared, ploughed, covered with new topsoil and seeded – none of which have been undertaken.

CONSULTANTS REPORT – Highway and site access is not safe or acceptable and is hazardous to road safety, as shown in Highway Consultants report. The quality of pasture is woefully inadequate and horse will use the local road network, inappropriate sized feed and tack store, assumed from the size of the building will allow intensification of other uses. Chemical toilet will need servicing and vehicle will cause hazard to road users. Real and apparent danger of temporary accommodation being installed.



Epping Forest District Council

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Agenda Item Number:	5
Application Number:	EPF/2079/06
Site Name:	Land east of Willow Mount, Epping Road, Stanford Rivers
Scale of Plot:	1/3000