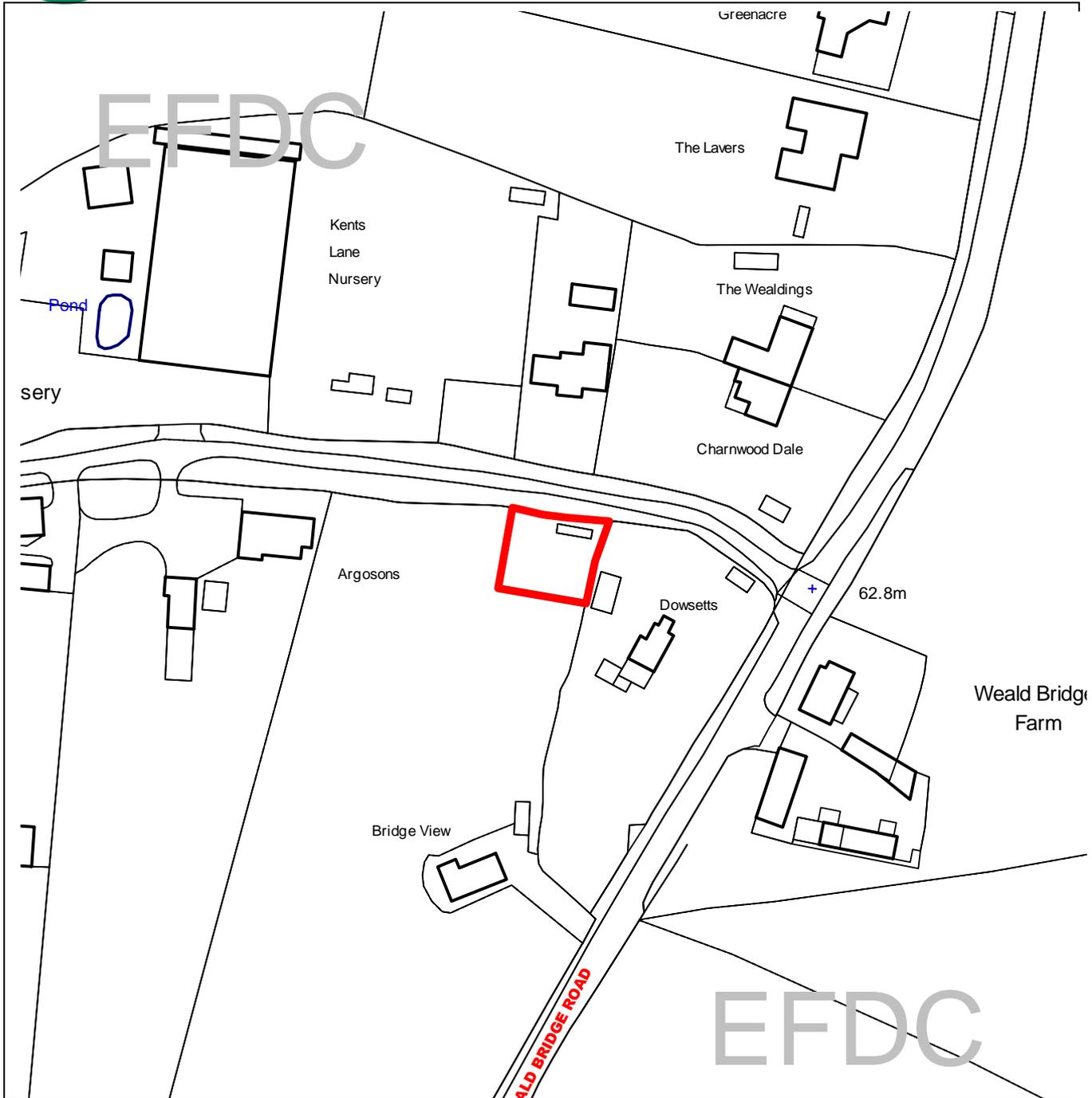




# Epping Forest District Council



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Application Number:	EPF/0160/21
Site Name:	Sunnyside Pt OS 956 Kents Lane North Weald Bassett Epping CM16 6AX
Scale of Plot:	1:1250

**Report Item No: 11**

<b>APPLICATION No:</b>	EPF/0160/21
<b>SITE ADDRESS:</b>	Sunnyside Pt Os 956 Kents Lane North Weald Bassett Epping CM16 6AX
<b>PARISH:</b>	Moreton, Bobbingworth and the Lavers
<b>WARD:</b>	Moreton and Fyfield
<b>APPLICANT:</b>	Mr Kevin Fletcher
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use of hobby workshop and storage building to dwelling.
<b>RECOMMENDED DECISION:</b>	Grant Permission (Subject to Legal Agreement)

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=647260](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=647260)

**CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 01 Rev D and 02 Rev C.
- 3 No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.

- 4 Prior to preliminary ground works taking place, details of foul drainage shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details, and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.
- 5 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details, and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.
- 6 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point shall be installed and retained thereafter for use by the occupants of the site.
- 7 Prior to any above groundworks, a strategy to facilitate super-fast broadband for future occupants of the site shall have been submitted to and approved in writing by the Local Planning Authority (LPA). The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the LPA that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy unless otherwise agreed in writing by the LPA.

***And subject to the applicant first entering into a legal agreement under Section 106 to provide appropriate contributions towards management and monitoring measures on any adverse impact on the Epping Forest Special Area of Conservation with regard to air quality.***

*This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council, material to the planning merits of the proposal, whereby the Local Council confirm in writing their intention to attend and speak at the meeting where the proposal will be considered (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)).*

**Description of Site:**

The application site is a single storey building situated on the Southern side of Kents Lane.

The site is located within the Metropolitan Green Belt. It is not within a Conservation Area and is adjacent to a Grade II Listed Building.

**Description of Proposal:**

Change of use of hobby workshop and storage building to dwelling.

**Relevant History:**

EPF/0141/83 - Horse shelter for leisure purposes – Refuse Permission.

EPF/1673/19 - Application for a Lawful Development Certificate for an Existing use of building and land for workshop and storage purposes. – Unlawful

EPF/1786/20 - Application for a Certificate of Lawful Development for Existing use of a building for non-commercial workshop & storage purposes (revised application). - Lawful

**Policies Applied:**

*Adopted Local Plan:*

CP2	Protecting the Quality of the Rural and Built Environment
DBE9	Loss of Amenity
HC12	Development affecting the Setting of Listed Buildings
RP5A	Adverse Environmental Impacts

*NPPF:*

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either;

(a) approving development proposals that accord with an up-to-date development plan without delay; or

(b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

*Epping Forest District Local Plan (Submission Version) 2017*

Although the LPSV does not currently form part of the statutory development plan for the district, on 14 December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2<sup>nd</sup> August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her final conclusions.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the weight afforded by your officers in this particular case indicated:

Policy	Weight afforded
SP7 – The Natural Environment, Landscape Character and Green Infrastructure	Significant
DM7 – Heritage Assets	Significant
DM9 – High Quality Design	Significant
DM21 – Local Environmental Impacts, Pollution and Land Contamination	Significant

### **Consultation Carried Out and Summary of Representations Received**

**Number of neighbours consulted: 8**

**Responses received: 1 –**

Bridge View, Weald Bridge Road: Comment:

- Concerns over the open watercourse (not relevant to this application)

### **MORETON, BOBBINGWORTH AND THE LAVERS PARISH COUNCIL: OBJECTION:**

Paragraph 146 of the NPPF advises that certain other forms of development are not inappropriate in the green belt provided they preserve its openness and do not conflict with the purposes in including land within it, including d) the reuse of buildings provided that the buildings are of permanent and substantial construction. The applicant is using this paragraph to justify the conversion to a dwelling, however the Structural Inspection Report submitted with the application clearly identifies that the building is not of substantial construction for the following reasons:

- Sporadic timber studs with no foundation (para 3.01 of the report which states studs forming the wall were at very large centres with corrugated sheeting fixed to them. There is no concrete floor in this area with just bare ground being used’).
- Sporadic timber studs with no foundation (para 3.02 of the report which states of the timbers were turned on their side so only 50mm deep. No guttering was noted. Timbers studs forming the wall were at very large centres with corrugated sheeting fixed to them. There was no concrete floor in this area with just bare ground being used’).

- The property has no structural integrity and therefore cannot be of substantial construction, thus meeting the test of the NPPF (para 4.02 of the report which states 'Various means of strengthening and repair would be required to provide structural integrity and requirements to the building regulations').
- The structure has no foundations, and as such cannot be of substantial construction, thus meeting the test of the NPPF (para 4.03 of the report states 'We expect from a structure of this type and age that no or very shallow existing foundations are likely to have been used' and 'This could be done by a mini piling rig internally to a suitable depth with a concrete beam formed below the walls').
- The structure does not have enough framing to make it of substantial construction (para 4.04 of the report states 'We would suggest that there are not currently enough timber studs in the wall or sheathing to prevent racking. We would suggest that additional timbers are added to the external walls along with plywood sheathing to prevent the structure racking.
- The current building is unable to take the load of any new roof covering or insulation, and as such therefore cannot be of substantial construction thus meeting the test of the NPPF (para 4.05 of the report states 'The roof timbers are currently undersized and new roof coverings and insulation are likely to slightly increase the load. Therefore, new roof timbers would be required. These could be laid in between the existing rafters and should be sized by a qualified structural engineer. Full strapping to outside walls for stability would need to be added'.)

These buildings are small, rickety sheds used for storage. They are not buildings of substantial construction, and therefore do not meet the qualifying criteria of paragraph 146 of the NPPF, and as such any conversion to a dwelling should be deemed inappropriate development in the Green Belt.

**ECC Highways:** No objection

**Contaminated Land:** Due to the sensitive nature of the proposed residential use, I recommend that the land contamination condition be attached to any approval.

### **Main Issues and Considerations:**

The main issues to consider are the design, impact on neighbouring amenity and impact on the Green Belt.

#### **Design**

There are minimal changes in terms of design, these are fenestration changes and are found to be acceptable. The Listed Building and Conservation officer verbally commented on the application raising no in principle objection, however it should be noted that the site is not within the curtilage of the Listed Building.

#### **Impact on Neighbouring Amenity and Setting of Nearby Listed Building**

There would be no adverse impacts on neighbouring properties as a result of the development. The proposal therefore complies with the Adopted Local Plan policy DBE9, SVLP 2017 policy DM9 and NPPF 2019.

## Green Belt

Paragraph 150 of the NPPF considers the re-use of buildings as not inappropriate development within the Green Belt provided the building is of permanent and substantial construction. Whilst concern has been raised from the Parish Council regarding the structural integrity of the building, the Structural Inspection Report does conclude that "*Following our inspection, we believe that the structure can be converted into a domestic dwelling*", albeit subject to some strengthening. This planning application is only for the conversion of the existing building and therefore would not allow for the demolition and rebuilding of the existing building. Such works would require a fresh planning consent. As such, it is not considered that there is sufficient evidence to refuse on the basis suggested by the Parish Council.

In addition, whilst further consent would be required for demolishing and rebuilding the building, since the land is previously developed the 'like for like' replacement of the existing building with a new building would potentially meet the exception to inappropriate development as laid out in paragraph 149 of the NPPF.

Due to the above, the proposal is considered to comply with policies GB2A of the Adopted Local Plan, DM4 of the LPSV 2017 and the NPPF 2021.

## SAC and Air Quality

Following the adoption of the APMS, a contribution of £335 is required per dwelling, due to the additional vehicle movements as a result of the development. The applicant is willing to enter into a legal agreement for this contribution, inclusive of a 5% monitoring fee of £16.75.

Conditions will be added requiring an electric vehicle charging point and high-speed broadband facilities are provided.

The Council is satisfied that, subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions as set out above, the application proposal would not have an adverse effect on the integrity of the EFSAC.

## **Conclusion:**

The proposal complies with relevant planning policy and it is recommended that planning permission be **granted**.

***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: Zara Seelig  
Direct Line Telephone Number: 01992 564379***

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