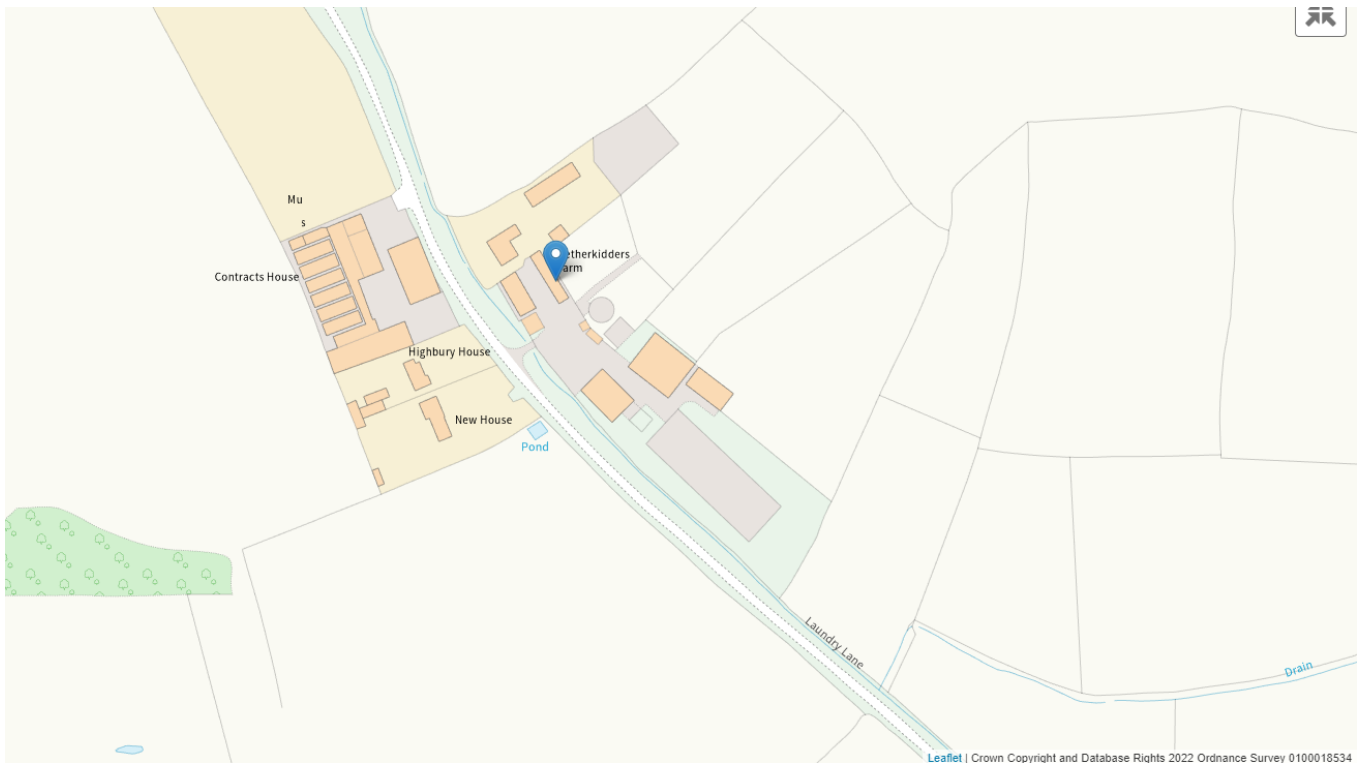


OFFICER REPORT

Application Ref: EPF/2844/22
Application Type: Full planning permission
Applicant: Mr Peter Gross
Case Officer: Caroline Brown
Site Address: Nether Kidders Farm, Laundry Lane, Nazeing, Waltham Abbey, EN9 2DY
Proposal: Change of use and conversion of existing buildings to form three dwellings and associated car ports, alterations to existing vehicle access, provision of soft landscaping.
Ward: Lower Nazeing
Parish: Nazeing
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001UwWF>
Recommendation: Refuse



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This application is before this Committee since it has been 'called in' by Councillor Bassett (Pursuant to The Constitution Part 3: Part Three: Scheme of Delegation to Officers from Full Council)).

Description of site

Nether Kidders Farm is a timber framed, rendered 2-storey Grade II Listed 18th Century farmhouse located to the northeast of laundry Lane which includes a stable yard.

Further to the southeast of the site lies three large barns in equestrian related use and part of an existing outdoor riding arena. Barn A consists of a tall, domed metal roofed barn with an additional extensive lean-to extension. Barns B & C are pitched roof and steel framed sheds clad with sheeting.

Vehicle access is onto laundry Lane, a narrow Lane which is shared with the Listed Building and associated buildings.

The site lies within the boundaries of the Green Belt and located in Flood Zone 1.

Description of proposal

This application seeks consent for the change of use and conversion of two of the existing buildings to form three dwellings; conversion of one existing building for associated car port; alterations to existing vehicle access and provision of soft landscaping.

Barn A-

Plot 1: 1, 3 bed, 2 storey dwellinghouse (GIA 212m²) - 2 rooflights located to lower ground floor lean to roof and one inset recessed window to upper aspect of the ground rear floor lean to. With the provision of 365m² amenity space

Plot 2: 1, 4 bed, part single/ 2 storey dwellinghouse (GIA 224m²) - 4 rooflights to lower aspect of the ground floor rear lean to with the provision of 175m² amenity space.

Materials: Corrugated sheeting removed and replaced with vertical cedar cladding, zinc roof, grey aluminium windows

Barn B:

Plot 3: - 1, 4 Bed detached dwellinghouse (8 Person- GIA 248m²)) involving 4 rooflights. Raising the height of the barn by 0.6m - provision of 230m² amenity space.

Barn C:

The proposed carport would provide covered parking for 6 cars (two each for plots 1 & 2 and two visitor bays). Two tandem spaces would be provided for plot 3, adjacent to its north-western end.

Barn C is also to make provision for bikes and refuse storage no details have been provided. The existing access is to be retained leading to a private vehicle access with a permeable shingle surface.

A proposed timber 5 bar gate would connect the new access to the old yard to enable access into the applicant's fields to the north-east of the site.

A proposed 5 bar gate to the entrance to the 3 dwellings. No design details of the gates have been provided.

Each dwelling would be provided with an electric vehicle charging point.

Relevant History:

EPF/2704/21 - The application is seeking consent for the demolition of the existing equestrian barns & hardstanding areas and removal of existing ménage, construction of x 4, 2- storey, 4-bed detached houses with car ports, alterations to existing vehicular access & provision of soft landscaping. Refused

1. The proposed scheme by reason of its design, density, layout and siting does not sufficiently maintain the prevailing established spatial pattern of development resulting in a more intrusive and dominant development which is out of context in its setting, harmful to the open rural character of the Green Belt. The proposal would therefore be detrimental to the open character and the visual amenity of the Green Belt area and would represent inappropriate development. Inappropriate development is, by definition harmful to the Green Belt and for which no very special circumstances have been demonstrated to clearly outweigh this harm. The scale and intensification of brick form will cause further harm to the openness of the Green Belt above and beyond the harm caused by reason of inappropriate development. and the proposal is contrary to policies CP1, CP2, GB2A, GB7A, DBE9 and DBE10 of the Epping Forest Adopted Local Plan (1998-2006) and policy SP1, SP2, SP6, DM9, DM4 and DM10 of the Submission Version, 2017 and with the relevant paragraphs of the National Planning Policy Framework, 2021.

2. The proposed development, due to its unsustainable location, would result in a reliance on the use of the private vehicle and lead to the promotion of unsustainable patterns of growth where there are limited public transport choices, contrary to policies CP1, CP3 and CP9 of the Epping Forest District Local Plan and Alterations, policies SP1, SP2 and T1 of the Epping Forest District Local Plan Submission 1. Version 2017 and the guidance contained within the National Planning Policy Framework. 2021.

3. The development by reason of its design, layout is considered inappropriate and out of context in its setting and would fail to enhance or preserve the significance of the setting of the listed building, eroding its historical character and presence contrary to policy HC12 of the Local Plan and Alterations (1998 and 2006), policy DM7 of the Submission Version Local Plan (2017), and paragraphs of the National Planning Policy Framework, 2021.

4. The development by reason of its design, scale and siting is considered to cause, an increased sense of enclosure and a perceived sense of overlooking resulting in an unsatisfactory form of accommodation to future occupiers of the development. Such substantial harm to the living conditions of the adjoining properties is contrary to policy DBE9 of the adopted Local Plan and Alterations (1998-2006), policy DM9 and DM10 of the Submission Version, 2017 and with the core objective of the National Planning Policy Framework to secure a good standard of amenity for all existing and future occupiers.

5. Substantial weight is also attributed to the potential impact on the Epping Forest SAC where it has not been demonstrated beyond reasonable scientific doubt to satisfy the Council as competent Authority that the development would not adversely affect the integrity of the Epping Forest Special Area of Conservation. In the absence of such information, and/or a completed planning obligation to mitigate against any adverse impact it would have on the Epping Forest Special Area for Conservation in terms of recreational and air pollution, the development is contrary to Policies NC1, CP1 and CP6 of the Epping Forest Local Plan (1998) and Alterations (2006), Policy DM22 of the Epping Forest District Local Plan Submission Version (2017), and the requirements of the National Planning Policy Framework and the Habitats Regulations, 2017.

EPF/1479/09 - Variation of conditions 2 and 6 on EPF/0437/05 to allow use as horse stud farm and liveries. (Up to 22 horses) - approved - 09/10/2009

EPF/2209/06 - Agricultural determination for equipment and hay storage area. - Refused.

The barn has been in existence since 2009 as viewed on Google maps.

EPF/0437/05 - Change of use from agriculture to equestrian use; including adaption of buildings to provide stabling, provision of an outdoor ménage, lighting and associated facilities. Approved - 08/06/2005,

EPF/2160/03 - Change of use from agriculture to equestrian use including provision of an outdoor ménage (revised application). - Refused 02/03/2004

- The proposal would result in a level of activity that would change the character of the farmyard and destroy the peace and seclusion of this small cluster of houses in this part of Laundry Lane, harming the amenities of the occupiers of the nearby properties.
- The scale of this proposal would result in traffic generation of a different scale and character of any existing traffic associated with the farm, causing harm in both environmental and physical terms, contrary to the provisions of Policies LRT3 and RE2 of the Essex and Southend on Sea Structure Plan and GB8 of the adopted Local Plan.
- This isolated location is not easily accessible by non-car modes of transport or existing and committed sustainable means of transport. As such the proposal is contrary to the provisions of Policies LRT3, CS2 and T3 of the adopted Essex and Southend on Sea Replacement Structure Plan and central government policy for sustainable transport as set out in PPG 13.
- The proposed development will give rise to highway conditions on Laundry Lane and Waltham Road which are prejudicial to highway safety in which respect it is contrary to policies RST4 and T17 of the adopted Local Plan and T3 of the Essex and Southend- on- Sea Replacement Structure Plan.

DEVELOPMENT PLAN

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

Epping Forest District Local Plan (2011-2033) (March 2023)

On 9 February 2023, the council received the Inspector's Report on the Examination of the Epping Forest District Local Plan 2011 to 2033. The Inspector's Report concludes that subject to the Main Modifications set out in the appendix to the report, the Epping Forest District Local Plan 2011 to 2033 satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meets the criteria for soundness as set out in the National Planning Policy Framework and is capable of adoption.

The proposed adoption of the Epping Forest District Local Plan 2011- 2033 was considered at an Extraordinary Meeting of the Council held on 6 March 2023 and formally adopted by the Council.

The following policies are relevant to the determination of this application.

- SP6 - Green Belt and District Open Land
- DM2 - Epping Forest SAC and the Lee Valley SPA
- DM3 - Landscape Character, Ancient Landscapes and Geodiversity
- DM4 - Green Belt
- DM7 - Heritage Assets
- DM9 - High Quality Design
- DM10 - Housing Design and Quality
- LL11 - Landscaping schemes
- H1 - Housing Mix and Accommodation Types
- T1 - Sustainable Transport Choices
- DM1 - Housing Design and Quality
- DM11 - Waste Recycling Facilities on New Development
- DM15 - Managing and Reducing Flood Risk
- DM16 - Sustainable Drainage Systems
- DM17 - Protecting and Enhancing Watercourses and Flood Defences
- DM18 - On Site Management of Wastewater and Water Supply
- DM19 - Sustainable Water Use
- DM20 - Low Carbon and Renewable Energy
- DM21 - Local Environmental Impacts, Pollution and Land Contamination

NPPF, 2023

The revised NPPF is a material consideration in determining planning applications. The following paragraphs of the NPPF are considered to be of relevance to this application: 126 - 129 - 137- 47, 159-169 189, 194, 195, 197, 199, 200, 202, 206 and 208 of the NPPF.

Consultation Carried Out and Summary of Representations Received

Site Notice Displayed

Nazeing Parish Council - No Objection

29 Residents consulted: 1 objection that raises the following concerns:

New House, Laundry Lane:

- substantial increase in the number of vehicle movements on the private lane.
- cause significant harm to the open countryside.

Not a sustainable location for development due to lack of public transport, road is narrow and unsafe for cyclist and pedestrians, reliance on private car usage.

Application does not demonstrate a 10% Biodiversity Net Gain will achieve, as required on all developments by the Environment Bill.

Loss of much needed equestrian facilities.

Harm to the setting to the listed farmhouse.

Main Considerations

The key considerations are:

- Appropriateness and Impact of the development on the Openness of the Green Belt,
- Impact on the amenity of neighbouring properties/ Form of Accommodation,
- Sustainability,
- Impact on the Listed Building,
- Highway and parking,
- Trees and Landscaping,
- Epping Forest Special Area of Conservation.

Impact of the development on the Green Belt:

The National Planning Policy Framework, (NPPF), 2023 states that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. There is a presumption against inappropriate development which is, by definition, harmful to the green belt and should not be approved except in very special circumstances.

There are exceptions as outlined in paragraph 150 d), '*...the re-use of buildings provided that the buildings are of permanent and substantial construction.*' is another form of development that is also not inappropriate in the Green Belt provided that they preserve its openness and does not conflict with the purposes of including land within it'.

The barns are of good construction as verified by the submitted Structural Appraisal Reports by BRP Associates, (Structural & Civil Engineers), August 2023, confirming that the barns are largely corrosive steel framed with crack damage but with solid concrete floors and capable of supporting the proposed

changes subject to strengthening, underpinning, blast cleaned and repainted involving minimal aesthetic alterations.

The conversion of the barns into dwellings would not be materially larger than what currently exists but the assessment on the Green Belt is not determined solely by spatial but also visual impact on the rural character of the surrounding area.

Whereas the existing barns are considered appropriate in the context of its surroundings, their conversion into dwellinghouses would result in a more conspicuous intrusive suburban impact, involving a greater amount of vehicular and pedestrian traffic movements, activity, formal gardens, boundary treatment, outbuildings, light spill, subsequent domestic paraphernalia and a larger vehicle access and greater harm to the openness of the Green Belt and the site being of different character to what presently exists.

The proposed tight layout, form and siting of Plot 1 & Plot 3 of the 3-4 bed dwellings with limited separation distance between the properties and no allocated defensible space results in inadequate space surrounds which highlights the inability of the site to accommodate adequate provision of garden space to the rear in all of the units. Considering the size of the dwellings, this is at odds with the open character of the area which comprises of isolated houses within more spacious layout and generous gardens.

The potential benefits to housing supply that the scheme brings has been given some weight, but given that the latest 5-year housing land supply, including a 20% buffer, stands at 5.4 years, the plan makes sufficient provision for housing over the plan period and takes a practical and sound approach towards housing delivery and the housing trajectory. There is adequate evidence to indicate that a 5-year supply of housing will be maintained and therefore this matter would not outweigh the identifiable harm. Although proposed landscaping would provide some softening of the visual impacts of the proposed dwellings, the proposal would not overcome the harm to the Green Belt.

The Council is not aware of any very special circumstances which clearly outweigh this harm and any other harm resulting from the proposal. The proposal therefore conflicts with Green Belt policy within the NPPF, policy DM4 of the adopted Local Plan and has not satisfactorily addressed reason 1 of the previous refused application.

Impact on Amenity and Form of Accommodation

The design, and impact of the development on the character and appearance of an area is recognised by the NPPF, policies of which seeks to ensure, amongst other things, that new development is of a high-quality design that respects its setting and the character and environment of the locality.

The NPPF also encourages Local Planning Authorities to: *'Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.'*

The form of living space for future occupiers is acceptable with each room having sufficient daylight, outlook and ventilation and a satisfactory form of accommodation. The siting and layout of the dwellings would not have any amenity implications to the living conditions of neighbouring properties and also meets current internal space standards set out the Essex Design Guidance and the National Technical Standards.

However, Plot 3 of the proposed development is where the amenity area provision is located to the side of the property, adjacent to and parallel with the private vehicle road that runs through the proposed dwellings.

The siting and location of the garden to Plot 3, with a proposed 1.2m high post and rail fence would only partly enclose the garden and there is concern for the potential overlooking and loss of privacy from the private road and passers-by.

The closeness of the road and proposed 6 bay car port to the garden of Plot 3 would also result in the lack of quiet ambience associated and expected from a private garden. Furthermore, given the siting and closeness of the dwellings facing each other, Plot 2 would have overlooking at first floor into the garden of Plot 3 resulting in a loss of privacy.

In addition, the dwellings have no defined front boundary treatment, and where the narrow road and closeness of the properties facing each other increases the potential of overlooking.

Overall, the proposed development has not addressed reason 4 of the previous refused application and would result in an unsatisfactory standard of environment by reason of its design, limited space, scale and siting which results in overlooking and a loss of privacy. Such substantial harm is contrary to policy DM9 of the adopted Local Plan and the provisions of the NPPF in this regard.

Sustainability:

The site is in a remote isolated location with vehicle access Laundry Lane onto a very narrow private lane. The location is not a sustainable environment that lacks public transport modes served by local infrastructure and services and this formed one of the reasons for refusal on previous applications which has not been addressed by this application.

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are 3 dimensions to sustainable development: economic, social and environmental. Whilst there is support for a rural economy this needs to be balanced against the social role of supporting strong vibrant communities by providing the supply of housing required to meet the need of present and future generations and by creating a high-quality built environment with accessible local services and the environmental role of protecting and enhancing the natural and built environment.

The proposal would lead to the promotion of further unsustainable patterns of growth where there are limited public transport choices.

Taking everything into considerations, the site is not considered 'Sustainable' and the Council have identified more appropriate, allocated residential sites in the sequential process in more sustainable locations. As such the proposed development would not comply with the objectives of SP1 and DM4 of the Submission Version, 2017.

Accordingly, the proposal would not comply with Policies SP1 and T1 of the Local Plan that seek to reduce reliance on the use of the private car, reduce the need to travel, ensure access by sustainable means of transport and generally promote sustainable patterns of development and has not satisfactorily addressed reason 2 of the previous refused application.

Impact on the Listed Building

Local Planning Authorities are required by statute to protect buildings and structures which are of historical and architectural interest, and which have been awarded listed building status. The setting of a listed building is often an essential feature of its character.

Nether Kidders Farm is a Grade II Listed (no.1337296) 18th century farmhouse with 19th century extensions to the rear. The house is timber framed and rendered and stands at two-storeys under a red plain clay tile hipped roof. To the south are associated historic agricultural buildings, arranged around a courtyard. These ancillary buildings are considered to be curtilage Listed due to their age, positioning and historic relationship with the historic Nether Kidders farmstead. Grade II Listed buildings are of special interest nationally and warrant every effort being made to conserve them.

The neighbouring Listed farmstead at Nether Kidders is located in a remote position within a well-established countryside context, open to long range views due to the surrounding open fields. This is very typical of a traditional Essex nuclear farmstead typology; historic farmsteads make an important contribution to the rural landscape. As such, the sensitive adaptive reuse of the associated historic barns within that curtilage could be supported if required to secure the future of the heritage asset. However, to the contrary, the conversion brings confusion to the legibility of the historic site, its visual and spatial integrity.

The barns are expected structures within the setting of the historic farmstead as they reflect, through their function, the legibility of its original agricultural character. It is considered that the acceptability of these 20th and 21st century structures within the subject site is only appropriate due to their ancillary use and functional character within an agricultural setting.

The proposed conversion of these two barns would introduce a clear suburban character, unsympathetic domestic paraphernalia (boundary treatments, formal surfacing, porches, etc) and a large amount of light spill into a part of the site that was historically open fields and agricultural / functional in character and appearance. As stated above, the setting of a heritage asset is often an essential feature of its character.

The significance of a heritage asset derives not only from its physical presence and historic fabric but also from its setting, the surroundings in which it is experienced. As such, the degree of harm that the current scheme would have on this sensitive setting is considered to be unacceptable.

The proposed scheme has not satisfactorily addressed reason 3 on the previous refused application due to the harm it would cause the setting of the designated heritage asset (Listed building) and the overall significance of Nether Kidders Farm contrary to policy DM7 of the Local Plan and of the NPPF (2023).

Highways and Parking

The proposed development is to utilise the existing vehicle access onto Laundry Lane and has allocated Barn C for 2 car spaces for plot 1 and plot 2. Plot 3 has 2 car spaces sited to the north flank elevation of the proposed dwellinghouse.

Given the rural location of the site, with no street lighting, footways, limited access to public transport and key facilities, it is likely that most trips to and from the site will be by private motor vehicle.

Essex County Council Highways raise no objection to the proposal in terms of highway safety subject to conditions. This is in accordance with the Highway Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and policy T1 of the adopted Local Plan, 2023

Trees and landscaping

The Trees and Landscape officer has not objected to the proposed development subject to the attachment of appropriate conditions.

Epping Forest Special Area of Conservation:

The Council has a duty as 'competent authority' under the Habitats Regulations Assessment (HRA) to protect Epping Forest from the effects of any development to ascertain whether it would result in any adverse environmental impacts.

The application proposal has the potential to result in a net increase in traffic using roads through the EFSAC. The Council, through the development of an Interim Air Pollution Mitigation Strategy (IAPMS), has provided a strategic, district wide approach to mitigating air quality impacts on the EFSAC through the imposition of planning conditions and securing of financial contributions for the implementation of

strategic mitigation measures and monitoring activities. Consequently, this application can be assessed within the context of the IAPMS.

Notwithstanding the above, there is no mechanism to secure such a contribution and therefore it cannot be ascertained that there would not be harm caused to the SAC. The Council has a statutory duty to ensure that there would be no adverse effect on the integrity of the SAC and adopting a precautionary approach, it cannot be concluded that the proposal will not cause harm to the SAC. The proposal is therefore contrary to policies DM 2 and DM 22 of the adopted Local Plan, (2011-2033), 2023 which formed a reason for refusal on the previous application and has not been addressed.

Conclusion

The proposed development is a resubmission following a refusal where the design, layout and siting has not addressed the previous reasons for refusal. In terms of visual character and appearance, the proposed development would result in significant additional harm on the openness of the Green Belt; harm to the Listed Building, unsatisfactory design and amenity issues and would lead to the promotion of further unsustainable patterns of growth. Accordingly, the development is contrary to Epping Forest adopted Local Plan and the NPPF, 2023. In light of the above considerations, it is recommended that the application is refused.

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: Caroline Brown- Direct Line Telephone Number: 01992 564182 or if no direct contact can be made, please email: contactplanning@eppingforestdc.gov.uk

Refusal Reason(s): (5)

- 1 The proposed development by reason of its design, limited space layout and siting does not sufficiently maintain the prevailing established spatial pattern of development resulting in a more urban intrusive, and visually prominent development which is out of context in its setting. The proposal would therefore be detrimental to the open character and the visual amenity of the Green Belt and represents inappropriate development. Inappropriate development is, by definition harmful to the Green Belt and for which no very special circumstances have been demonstrated to clearly outweigh this harm. The scale, and urban intensification will cause further harm to the openness of the Green Belt above and beyond the harm caused by reason of inappropriate development. and the proposal is contrary to policies SP1, SP2, SP6, DM9, DM4 and DM10 of the adopted Local Plan, (2011-2033), 2023 and the National Planning Policy Framework, 2023
- 2 The proposed development, due to its unsustainable location, would result in a reliance on the use of the private vehicle and lead to the promotion of unsustainable patterns of growth where there are limited public transport choices, contrary to policies SP1, SP2 and T1 of the Epping Forest Adopted Local Plan, (2011-2033), 2023 and the National Planning Policy Framework. 2023
- 3 The development by reason of its use, design, layout and siting is considered inappropriate and harmful, out of context in its setting and would fail to enhance or preserve the significance

of the setting of the listed building, eroding its historical character and presence contrary to policy DM7 of the adopted Local Plan, (2011-2033) and of the National Planning Policy Framework, 2023.

- 4 The development by reason of its design, limited space, scale, layout and siting causes an increased sense of enclosure, overlooking and a loss of privacy and an unsatisfactory form of accommodation to future occupiers. Such substantial harm is contrary to policy DM9 of the adopted Local Plan and with the core objective of the NPPF to secure a good standard of amenity for all existing and future occupiers.

- 5 Substantial weight is attributed to the potential impact on the Epping Forest SAC where it has not been demonstrated beyond reasonable scientific doubt to satisfy the Council as competent Authority that the development would not adversely affect the integrity of the Epping Forest Special Area of Conservation. In the absence of such information, and/or a completed planning obligation to mitigate against any adverse impact it would have on the Epping Forest Special Area for Conservation in terms of air pollution, the development is contrary to Policy DM22 of the Epping Forest adopted Local Plan, (2011-2033) and the requirements of the National Planning Policy Framework and the Habitats Regulations, 2017.

Informatives: (1)

- 6 This decision is made with reference to the following plan numbers: 2022-635-002; 003 Rev A 010; 011; 012; 020; 021 Rev A; 022 Rev A