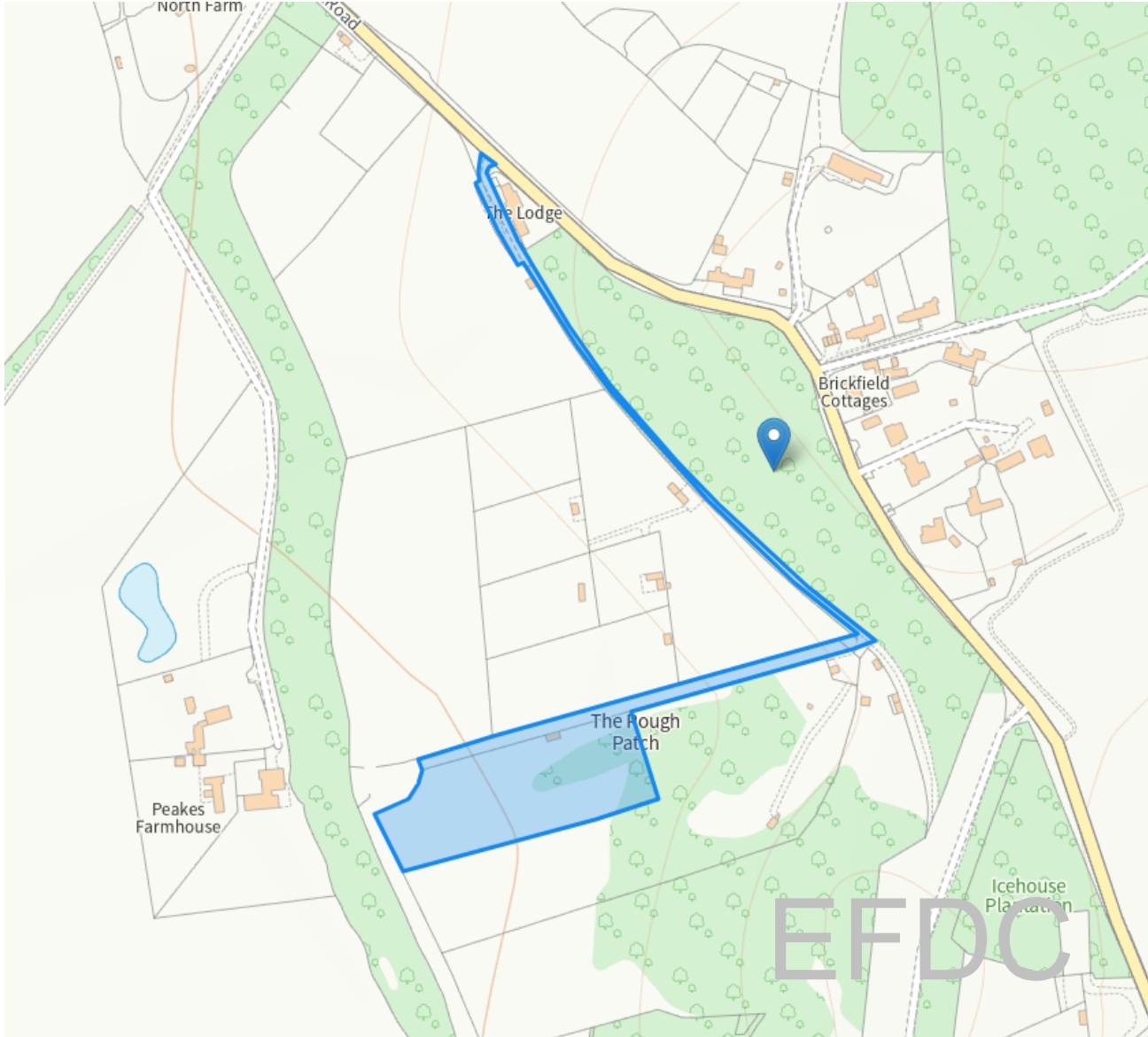




Epping Forest District Council

EFDC



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Application Number:	EPF/1505/22
Site Name:	London Alpacas, Mount Road, Theydon Mount, Epping, CM16 7PL

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OFFICER REPORT

Application Ref: EPF/1505/22
Application Type: Full planning permission
Applicant: Mr S. Van Oorschot
Case Officer: Ian Ansell
Site Address: London Alpacas, Mount Road, Theydon Mount, Epping, CM16 7PL
Proposal: Use of land for agriculture including educational visits
Ward: Passingford
Parish: Theydon Mount
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000OAU>
Recommendation: Approve with Conditions

This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than five objections are received (or in cases where less than 5 were consulted, a majority of those consulted object) on grounds material to the planning merits of the proposal (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Description of Site:

The site comprises of a parcel of land of approximately 1 hectare (2.43acres). It forms part of an extensive area of pastureland which has been sub-divided into smaller parcels of land, a number of which are used to graze horses. The application site is divided into two sections, the smaller managed area includes a shelter housing the alpacas within a closely cut grassed area, this area also currently houses a caravan used for associated storage. The southern area is used for grazing and is retained as a less managed pasture.

Access to the site is through a gate adjacent to a dwelling known as "The Lodge" via a muddy track. Several trees with preservation orders line the access track. The site is wholly within the Green Belt, forms part of the Hill Hall Conservation Area and within the Grade II listed Registered Park and Garden of Hill Hall, a landscaped parkland which retains late 17th century features. The listed hill hall sits in an elevated position overlooking the site from the south and has been divided into a number of separate units.

Description of Proposal:

The application seeks to regularise the mixed use of the land for the breeding and keeping of alpacas (the present lawful use) with educational / promotional visits.

The application sets out the broad details. The site is primarily used for the keeping of alpacas and related activities – breeding including for sale, production of fleece and fleece products, and collection of animal waste as fertiliser. The site has a maximum capacity for 15 animals to be kept on the site.

Educational visits take the form of small groups coming to the site to learn about the animals, how to keep them and the wider function. Groups comprise an average of four people at a time for around two hours. Visitors spend time with the animals are invited to carry out some of the site activities during their visit, including collecting animal waste. Not more than 6 visits a week are anticipated, with a meeting point either at the site or at a suitable local pick up point being agreed with each group.

Relevant History:

EPF/0882/21 Application for a Lawful Development Certificate for existing use of land for agricultural purposes, including Alpaca experiences. LDC refused on grounds the use was not ancillary to the agricultural use and resulted in a material change of use. A subsequent appeal was dismissed.

Policies Applied:

Adopted Local 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. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

The following policies within the current Development Plan are considered to be of relevance to this application:

CP2	Protecting the quality of the rural and built environment
GB2A	Development in the Green Belt
RST1	Recreational, sporting and tourist facilities
DBE2	Effect on neighbouring properties
DBE9	Loss of Amenity
LL1	Rural landscape
ST2	Accessibility of development
ST6	Vehicle parking

NPPF (July 2021):

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.

In addition to paragraph 11, the following paragraphs of the NPPF are considered to be of relevance to this application:

- 2 Achieving sustainable development – paragraphs 7, 8, 10, 11, 12
- 8 Promoting healthy and safe communities – paragraphs 92, 97
- 9 Providing sustainable transport – paragraphs 104, 107, 108, 110, 111, 112
- 11 Making effective use of land – paragraphs 119, 122, 123, 124
- 13 Protecting Green Belt land – paragraphs 137, 138, 141, 143, 147, 148, 149
- 14 Meeting the challenge of climate change, flooding and coastal change – paragraphs 154, 159 – 169
- 15 Conserving and enhancing the natural environment – paragraphs 174, 175, 179 - 182, 183, 185, 186

Epping Forest District Local Plan (Submission Version) 2017:

On 14 December 2017, the Council resolved to approve the Epping Forest District Local Plan (2011-2033) – Submission Version ("LPSV") for submission to the Secretary of State and the Council also resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

The Council submitted the LPSV for independent examination on 21 September 2018. The Inspector appointed to examine the LPSV ("the Local Plan Inspector") held examination hearings between 12 February and 11 June 2019. As part of the examination process, the Council has asked the Local Plan inspector to recommend modifications of the LPSV to enable its adoption.

During the examination hearings, a number of proposed Main Modifications of the LPSV were 'agreed' with the Inspector on the basis that they would be subject to public consultation in due course. Following completion of the hearings, in a letter dated 2 August 2019, the Inspector provided the Council with advice on the soundness and legal compliance of the LPSV ("the Inspector's Advice"). In that letter, the Inspector concluded that, at this stage, further Main Modifications (MMs) of the emerging Local Plan are required to enable its adoption and that, in some cases, additional work will need to be done by the Council to establish the precise form of the MMs.

Although the LPSV does not yet form part of the statutory development plan, when determining planning applications, the Council must have regard to the LPSV as material to the application under consideration. In accordance with paragraph 48 of the Framework, the LPAs "may give weight to relevant policies in emerging plans according to:

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

Footnote 22 to paragraph 48 of the NPPF explains that where an emerging Local Plan is being examined under the transitional arrangements (set out in paragraph 214), as is the case for the LPSV, consistency should be tested against the previous version of the Framework published in March 2012.

As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional MMs, significant weight should be accorded to LPSV policies in accordance with paragraph 48 of Framework.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the advanced stage of the LPSV, all policies should be afforded significant weight:

No.	POLICY
SP1	Presumption in favour of sustainable development
SP6	Green Belt and District Open Land
SP7	The Natural Environment, landscape character and green infrastructure
T1	Sustainable transport choices
DM1	Habitat protection and improving biodiversity
DM2	Epping Forest SAC and Lee Valley SPA
DM3	Landscape Character, Ancient Landscapes and Geodiversity
DM4	Green Belt
DM5	Green and Blue Infrastructure
DM15	Managing and reducing flood risk
DM16	Sustainable Drainage Systems
DM19	Sustainable water use
DM21	Local environmental impacts, pollution and land contamination
DM22	Air quality

Consultation Carried Out and Summary of Representations Received

Date of site visit: 22 September 2022
Number of neighbours consulted: Four
Site notice posted: No, not required

Responses received: The application has generated comments both in favour of and against the application. 10 objections have been received from the following:

THE LODGE, MOUNT ROAD
43 BRICKFIELD COTTAGES
COPPERS THEYDON MOUNT
GRAZEBROOK, THEYDON MOUNT
1 BEACHET COTTAGE THEYDON MOUNT
7 HILL HALL COTTAGES
21 MIDDLE COTTAGE HILL HALL
NORTH LODGE, COLEMANS FARM
SHALESMEERE COTTAGE EPPING LANE
116 DRYSDALE AVENUE CHINGFORD.

Objections cover the following grounds:

- commercial use is inappropriate in the historic parkland
- business elements of the use are out of character with the setting, fields are primarily being used for grazing of horses privately owned
- lack of parking results in the blocking of the access (objectors comment that visitors have parked adjacent to The Lodge on the highway verge and visitors coming to be manure and other products have parked or blocked nearby properties)
- increased traffic generally arising from the use
- Lack of on-site facilities (toilets, hand washing) and inaccessibility to wheelchairs and emergency vehicles)
- Concerns at longer term plans, including potentially a dwelling.

In addition, 6 responses have expressed support for the application, submitted by:
THE ROUGH PATCH THEYDON MOUNT

90 TOWER ROAD, EPPING
124 LONGFIELDS, MARDEN ASH
HILLYFIELDS WELLINGTON HILL HIGH BEACH
41 RIDGEWAYS HARLOW
24 HONEYCROFT LOUGHTON

It is noted that these responses are generally from further afield and are primarily previous visitors to the site. They comment:

- The primary use is a local farming activity on land used for livestock over many years
- The use is sustainable in terms of the by-products generated
- The educational element is of high value to local children in particular
- Access to the site is allowed under covenant
- The activity is low-key and can only accommodate small groups of visitors

Parish Council: Theydon Mount Parish Council Have objected to the application, commenting as under:

The Alpacas are grazed on land which forms part of the Historic Parkland formerly within the curtilage of Hill Hall which is a Grade 1 listed Elizabethan Mansion. The Parkland was designed by the renowned landscape architect Humphrey Repton and is very important in placing the house in its historic setting. The field in which the Alpacas live is clearly visible from the mansion and its immediate surroundings. Previously other parts of the Parkland have been sold off leaving the Alpacas in an area of only two or three acres. The application anticipates an increase in the number of Alpacas and other activities within this limited area of land and there is concern that this would lead to over stocking and the need to install stables and barns which would look unsightly and out of keeping with the Grade 1 listed house. It is understood that the owners of the land do not live locally and on welfare grounds it would appear to be inappropriate to undertake unsupervised breeding of livestock. The Parish Council believes that the site is too small to incorporate the parking of vehicles and it is understood that there is no permission to park vehicles on the access drive. The only entrance to the site is through the front garden of a private property known as The Lodge. Any commercial business would cause disruption of the lives of the occupants having a negative impact on their quality of life. In summary the Parish Council is strongly of the view that this is not a suitable site for the proposed business and you are requested to refuse the application.

Main Issues and Considerations:

This is not an attempt to reconsider the previous LDC application. That was rejected as a matter of fact and degree that the educational element went beyond ancillary activity and required planning permission. The submission of this application therefore accepts that the proposal amounts to a mixed use and seeks to regularise this.

The appeal decision is however informative in considering the current application. The Inspector accepts that the keeping of alpacas on the site amounts to an agricultural use, and that the breeding of animals for sale, the storage and sale of fleeces, production of yarn therefrom and production of fertilisers from waste material would form part of that use. As a result, some of the issues raised in the consultation responses lie outside of this application.

Thus, Members should focus on the specific visits for educational and recreational purposes. It is evident that the scale of the use is modest, the number of animals on site is limited and therefore would only be expected to attract groups commensurate with the overall scale and character of the use. Officers are also persuaded that such visits will last at least two hours, taking account of the specific purpose and format of such visits. This is not the type of use that will attract large numbers of visitors on a daily basis. Other factors that should provide reassurance on the level of use include the difficulty of

accessing the site, the impact of weather conditions and the general care and welfare needs of the animals.

The applicant is unable to provide parking and again it is important to distinguish between vehicles generated by farming activities (which objectors comments appear to refer to primarily) and those for visitors on longer visits. Parking is not possible on the road, and the applicants have a system in place for collecting visitors from other locations. The area around the entrance is in the control of the landowner who can take steps to discourage and or prevent long-term parking on the land. For the level of activity proposed, officers consider a parking objection difficult to justify.

A number of comments refer to concerns at future potential developments, both in terms of visitor facilities and accommodation. No such facilities are proposed at this time. Should future applications be submitted then these will have to be considered on their merits at the relevant time.

Conclusion:

The primary use for farming alpacas was considered lawful by the previous Inspector and nothing in the application suggests this use could not continue. The additional elements proposed by the application remain low key in the context of number of visitors and the nature of the activity proposed, such that this remains complementary to the use of the site and the overall local character.

The application is specific and conditions can be imposed to set parameters for the visits, and with such controls in place, the application can be approved.

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: Ian Ansell
Direct Line Telephone Number: 01992 564481***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

Conditions: (1)

- 1 Educational visits to the site as defined by the application shall be limited to one group of visitors not exceeding six people on any day, such visits only to take place between 09.00hrs and 18.00hrs.

Reason: To protect the amenities of local residential occupiers in accordance with policy DBE2 and DBE9 of the adopted Local Plan and Alterations, policy DM9 of the Local Plan Submission Version 2017, and the NPPF2021.