

**Report to District Development
Management Committee**



**Epping Forest
District Council**

**Report Reference: DEV-004-2015/16
Date of meeting: 10 June 2015**

Subject: EPF/0682/15 - Pine Lodge Riding Centre, Lippitts Hill, Waltham Abbey Essex, IG10 4AL - Application for variation of condition 2 for EPF/0377/02 - (Change of use of ground floor of stable building from riding centre, office and staff rest room to residential in connection with the residential use of the first floor) to enable the continued residential occupation of Pine Lodge should the equestrian use of the land cease.

Responsible Officer: Jill Shingler (01992 564106).

Democratic Services: Gary Woodhall (01992 564470).

Recommendation:

(1) That permission is granted for the variation of condition 2 of Planning Permission EPF/0377/02, the revised wording for the condition to be:

(a) For so long as any part of the land edged red and blue on drawing number 2283/1 remains in use as an equestrian related business operation, the approved dwelling (known as Pine Lodge) shall only be occupied by a person employed at Pine Lodge Riding Stables and any dependent relatives and shall not be sold away or separated from the rest of the landholding; and

(b) And that agreement is given for the revocation of the planning obligation under section 106 linked to Planning permission EPF/1056/96 which was superseded by EPF/0377/02.

Report:

This application is before this Committee since it is an application that is submitted by or on behalf of Councillor Syd Stavrou (Pursuant to The Constitution, Part Three: Planning Service – Delegation of Council function, Schedule 1, Appendix A.(j))

Background

The application site is located on the south western side of Lippitts Hill and comprises an area that is currently a riding centre with stabling and a covered riding arena and associated land including the residential unit known as Pine Lodge. The site the subject of this application has been used for many years for equestrian purposes, and in 1996 planning permission was given under EPF/1056/96 for use of the ground floor of an existing stable building at the site as a riding centre office and staff rest room, and for the first floor to be used as a staff flat. This permission was subject to several conditions including,

“The dwelling hereby approved shall only be occupied by a person employed at Pine Lodge Riding Centre and any dependant relatives. Reason: In accordance with the terms of the application since permission is granted in exceptional circumstances”

The permission was also subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990. The S106 was to prevent Pine Lodge being sold off separately from the rest of the land and the erecting of any fence or wall to separate Pine Lodge off from the rest of the site.

This planning permission was implemented and then in 2002, under planning reference EPF/0377/02, permission was granted for the change of use of the ground floor of stable building from riding centre office and staff rest room to residential in connection with the residential use of the first floor.

This permission was subject to a condition that:

“The dwelling hereby approved shall only be occupied by a person employed at Pine Lodge Riding Stables and any dependent relatives and at no time shall the dwelling be sold away or separated from Pine Lodge Riding Stables.

Reason:- in accordance with the terms of the application and to ensure that the dwelling hereby created is not sold away or separated from the riding stables in the interests of preserving the openness of the Green Belt.”

This permission was implemented and therefore the earlier consent and the legal agreement under section 106 attached to it have been superseded. However, advice from the Councils Senior Lawyer is that the legal agreement can not be removed from the Local Land Charges register, unless it is formally revoked. This can be however be done by consent and no formal application is required.

Most Recent Planning Permission

Planning permission was granted by District Development Control Committee earlier this year under EPF/2853/14 for the removal of extensive existing buildings at this site (large indoor riding arena and stables) and the erection of 5 detached houses and associated facilities. Pine lodge itself was not within the red lined application site and is to be retained. It is however within the blue lined area which is land within the same ownership.

Condition 12 of that planning permission states:

“On implementation of the residential development hereby approved, none of the stables, outbuildings, open manege or any land within the area edged blue on the drawing numbered 3382/1 hereby approved, owned by the applicant or any successor in title, shall at any time be used for any commercial equestrian use, including DIY livery or any other business use whatsoever. Any stabling of horses in the remaining stables or buildings within the land so identified on drawing number 3382/1 shall be for the private and personal use of the owner of the said land”

The implementation of that consent, therefore will require the complete cessation of any commercial equestrian use at the site, which in turn would mean that continued occupation of the existing dwelling, known as Pine Lodge, would be in contravention of the current occupancy condition which allows it only to be occupied by a person employed at Pine Lodge Riding Stables.

Description of Proposal:

The submitted application is therefore to vary the occupancy condition on the 2002 consent to ensure that so long as the equestrian use of the site continues, the dwelling remains tied such that it can only be occupied by persons employed at the stables, but that should the equestrian business use cease (as would happen if planning permission EPF/2853/14 is implemented) the occupation of Pine Lodge will no longer be restricted.

Summary of Representations:

6 neighbours were notified; no site notice was required. The following comments were received:

TOWN COUNCIL - All Members having declared a non-pecuniary interest no comment was made but it was presumed by Members this application would be dealt with at the District Development Control Committee.

146 MANOR ROAD- Strong objection - This variation should not be approved - residential permission was only given associated with the equestrian use, if the equestrian use ceases the residential permission should be withdrawn.

Policies Applied:

Local Plan and Local Plan Alterations:

GB2A - Development in the Green Belt

The above policies are in compliance with the NPPF and are to be accorded due weight.

Issues and Considerations:

The site is within the Metropolitan Green Belt The main issue is whether the circumstances have changed such that the original condition is no longer appropriate and/or whether the proposed change to the condition would cause any harm.

At the time of the original consent the relevant policy for change of use of buildings in the Green Belt was Policy GB8 of the Epping Forest District Adopted Local plan 1998.

That policy allowed for the change of use of permanent substantial buildings provided the proposed use was (amongst other things) recreational or tourism related. It was considered that there was a need for a residential presence at the site in connection with the authorised recreational equestrian use of the site, for the safety and security of the horses at the site. At that time to be compliant with policy there was a need to restrict the occupancy to ensure that the use was in connection with the existing stable (recreational use). The condition was also necessary to prevent any future argument that a new dwelling should be built (or mobile home located at the site) to meet the need for a presence at the site for the safety and security of the horse. As building a new dwelling would have much greater impact on the Green Belt than the reuse of the existing building.

The current proposal to vary the condition however must be considered in the light of the National Planning Policy Framework 2012. (NPPF) The NPPF sets out those

forms of development that are not inappropriate in the Green belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The reuse of buildings of permanent and substantial construction is not inappropriate development. In addition the Government has brought in a raft of changes to legislation that make it possible to change the use of many types of rural building, to many different uses, including residential, without the need for a full planning application, (with no exception for buildings in Green Belt locations). As such the change of use of this building (which is substantial and permanent) to residential use would today be considered in accordance with current policy regardless of the link with the stable/training facility.

Indeed, as the land is previously developed, the redevelopment of the site with a replacement building/dwelling would also likely be in accordance with policy (subject to size and design etc)

However, despite this, it is not considered appropriate to simply remove the condition altogether. The dwelling is currently required in connection with the equestrian use of the site and if lost to general occupation, there could still be pressure for the erection of an additional a new dwelling to meet that need, which would be difficult to resist and which would likely have an adverse impact on the openness of the area.

Conversely should the equestrian use cease (as would happen if the adjacent area was redeveloped in accordance with the recent consent), then the existing condition would result in a perfectly good dwelling house being left uninhabited which would not provide any clear benefit to the Green Belt or to the character or amenity of the area and at a time when there is significant pressure for new dwellings in the District.

It is therefore considered appropriate and necessary to vary rather than remove the condition, to ensure that occupation is restricted for so long as the equestrian use of the wider site continues, but to enable occupation not in connection with the equestrian use should that use cease.

Other Issues

The continued use of the building as a dwelling with the varied condition as proposed causes no harm to the character or visual amenity of the area, the setting of the adjacent listed building, the amenities of neighbours, or any other any other material considerations.

Conclusion:

In conclusion the proposed variation is in accordance with the adopted policies of the Local Plan and Alterations and the NPPF and is therefore recommended for approval. Members are also requested to formally agree the revocation of the legal agreement which was attached to the earlier 1996 planning approval, which was superseded by the 2002 consent and is no longer applicable and therefore serves no purpose but will continue to appear as a local land Charge unless formally revoked.

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: Jill Shingler
Direct Line Telephone Number: 01992 564106
or if no direct contact can be made please email:
contactplanning@eppingforestdc.gov.uk***