

**Report to District Development
Management Committee**

Report Reference: DEV-002-2015/16
Date of meeting: 10 June 2015



**Epping Forest
District Council**

**Subject: EPF/2664/14 - Land at Willow Park Farm, Millers Lane, Chigwell -
Demolition of buildings at Willow Park Farm and erection of new
detached dwelling.**

Responsible Officer: Nigel Richardson (01992 564110)
Stephan Solon (01992 564018)

Democratic Services: Gary Woodhall (01992 564470)

Recommendation:

(1) That planning permission be refused for the following reasons:

- 1 Notwithstanding the reduction in the volume of built form the proposal would achieve, it is inappropriate development within the Green Belt and no very special circumstances in favour of it exist. Accordingly, the proposal is contrary to Local Plan and Alteration Policy GB2A, which is consistent with the policies of the National Planning Policy Framework.**
- 2 By reason of its height, bulk and siting the proposal would appear over-dominant in relation to the existing and the approved replacement house at Willow Park Farm. The poor relationship between the buildings that would arise amounts to a poor form of development that would detract from the appearance of the site to the detriment of the character and appearance of the locality. Accordingly, the proposal is contrary to Local Plan and Alterations policy DBE1, which is consistent with the national Planning Policy Framework.**

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=570892

Report:

- 1. This application was considered by the Area Plans South Sub-Committee on 1 April 2015 and after discussion, the committee agreed with the officer recommendation to refuse planning permission for the two reasons stated above.**
- 2. After the vote 4 Members of the Committee stood in order to require that no action be taken on the matter until it has been considered by the District Development Committee (Operational Standing Order Item 13 (2) of the Constitution).**

3. The report to the Sub-Committee is reproduced below and sets out the planning merits of the case and why a refusal of planning permission was recommended.

ORIGINAL REPORT:

This application is before this Committee since it is an application that is considered by the Director of Governance as appropriate to be presented for a Committee decision (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(k))

Description of Site:

The application site comprises the greater part of a former farm yard and adjacent open land northwest and southeast of the yard area. The former farm yard is primarily made up of 6 buildings arranged around a tarmac yard area that is accessed via a wide drive off the southwest side of Millers Lane, a short distance from its junction with Millers Lane. The buildings include 4 relatively large former barns/workshop buildings together with former stable buildings.

The site forms part of a 5.9 hectare landholding that also includes grassed fields to the northwest and southeast of the site. Millers Lane and Gravel Lane bound the landholding. A former farmhouse and associated outbuildings is situated between the application site and Millers Lane. Planning permission to erect a replacement house immediately rear of it was given on appeal in February 2013.

Land rises to the northwest and southeast of the application site, the level changes restricting views of it. Good trees/hedgerow adjacent to a watercourse known as Little London Brook on the southeast and southwest of the yard screen views from those directions.

Opposite the access to the site entrance is the former site of a redundant kennels adjacent to a pair of modest houses. It is being redeveloped to provide a detached house. Other than those developments, land on the northeast side of Millers Lane is open.

The application site is within the Metropolitan Green Belt. It is not within a conservation area or vicinity of listed or locally listed buildings.

Description of Proposal:

It is proposed to demolish all of the former farm yard buildings, including one just outside of the application site, and erect a house and adjacent garage building. The existing access to Willow Park Farm off Millers Lane would continue to serve the site. It is also proposed to carry out environmental improvements to Little London Brook including removal of the existing 21m long culvert of Little London Brook.

The proposed house and garage would be situated in the approximate position of two large existing barns, Units A and B. The house would be orientated to face the site boundary with Millers Lane. The garage block would be set forward of the house at right angles to it, in the position of Unit E and the front of Unit C. The proposed curtilage of the house would be restricted to the application site.

The house would comprise a three storey building with the second floor contained within the roof space. It would have a rectangular plan, some 26m by 15.5m. The roof would be a crown roof – flat with sloping sides – and contained by a parapet. A series of dormer windows in each roof slope would serve the upper floor rooms. The roof height of the house would be some 9.3m.

The house would have a classical appearance, the front elevation focused on a centrally positioned portico and bay over. A centrally positioned colonnaded balcony would project 3.5m from the rear elevation and single-storey wings would project 1.5m from the side elevations. Windows would be arranged symmetrically, decreasing in size on upper floors. Materials would be painted render to the ground floor, brick to the first floor and slate for the roof slopes. Stone would be used for detailing.

No details of the proposed garage building are provided other than an indication of its location, ground area and volume.

Key facts of the proposal are as follows:

Total ground/floor area of buildings to be demolished:	1375m ²
Total volume of buildings to be demolished:	5565m ³
Total ground area of buildings to be erected:	554m ²
Total 'external floor area' of buildings to be erected:	1242m ²
Total volume of buildings to be erected:	3526m ³
Total reduction in ground area:	821m ² (60%)
Total reduction in built volume:	2039m ³ (37%)

The above figures are taken from/based on those specified on the submitted drawings. Buildings to be erected are the proposed house and proposed garage building.

Details of proposed environmental improvements are set out in a report prepared by TEP (reference 4361.002 – version 2.0 dated February 2014)

Relevant History:

- EPF/0587/10 Demolition of existing house and selected outbuildings and replace them with a single-family dwelling house on a new plot served by new access. Resulting in a change of use of land from agriculture to residential. Withdrawn.
- EPF/0147/11 Demolition of existing house and selected outbuildings and replace them with a single family dwelling house. Refused on the basis that the proposal is inappropriate development in the Green Belt, harmful to its openness and to the character of the locality.
- EPF/0334/12 Erection of a replacement house immediately rear of the farmhouse. Refused, but subsequent appeal allowed, PINS ref APP/J1535/A/12/2181575. The applicant confirms he intends to build the consented house and the presently proposed house should consent be given.
- EPF/0392/12 Use of farmyard buildings for storage. Refused and subsequent appeal dismissed
- ENF/0137/11 Following the decision on the above appeal a planning enforcement notice was issued requiring cessation of storage use. An appeal

against the Notice was made on the basis that the storage use was time immune from enforcement action, PINS ref APP/J1535/C/13/2198082; and the enforcement notice was upheld with variations. A significant variation is that the Notice is not applicable to Building A, whose use was found to be time immune.

- EPF/1022/13 Demolition of buildings at adjacent former farmyard and at application site (units A, C, E, G, H and I) and erection of new detached residential dwelling, ancillary garage building, ancillary hardsurfacing and driveway, establishment of residential curtilage and formation of new vehicular access onto Millers Lane. Withdrawn
- EPF/1927/13 Demolition of buildings at adjacent former farmyard and at application site (units A, C, E, G, H and I) and erection of new detached residential dwelling, ancillary garage building, ancillary hardsurfacing and driveway, establishment of residential curtilage, formation of new vehicular access onto Millers Lane and closure of existing field access. Refused on the basis that the proposal is inappropriate development in the Green Belt, harmful to its openness and to the character of the locality.
- EPF/2031/13 Certificate of lawful development for existing use of building 'E' for residential purposes (Use Class C3 (dwellinghouses)). Withdrawn
- EPF/2067/13 Certificate of lawful development for existing use of Building 'A' for storage (Use Class B8). Withdrawn
- EPF/0473/14 Demolition of buildings at Willow Park (units A, B, C, E, F, G, H and I) and erection of new detached dwelling house on adjoining field parcel with ancillary garage building, ancillary hardstanding and driveway, formation of new vehicular access onto Millers Lane and closure of existing field access. A scheme of landscaping and ecological enhancement to Little London Brook to include 'deculverting' of section of brook. Withdrawn
- EPF/1940/14 Demolition of buildings at Willow Park Farm and erection of new detached dwelling on adjacent field. Revision to EPF/0473/14. Refused for similar reasons to EPF/1927/13

Policies Applied:

Policies contained within the National Planning Policy Framework, particularly paragraphs 79, 80, 87, 88 and 89.

The following Local Plan and Alterations policies are found to be consistent with those of the NPPF and consequently given weight:

CP2	Protecting the Quality of the Rural and Built Environment
GB2A	Development within the Green Belt
GB7A	Conspicuous Development
NC4	Protection of Established Habitat
DBE1	Design of New Buildings
DBE2	Effect on Neighbouring Properties
DBE4	Design in the Green Belt
DBE8	Private Amenity Space

DBE9	Loss of Amenity
LL1	Rural Landscape
LL2	Inappropriate Rural Development
LL10	Adequacy of Provision for Landscape Retention
LL11	Landscaping Schemes
ST4	Road Safety
ST6	Vehicle Parking

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted. 6

Site notice posted. Yes

Responses received: No response received from neighbours.

CHIGWELL PARISH COUNCIL: No objection – :“The Council has ***NO OBJECTION*** to this application providing the existing buildings are demolished before the new build commences, and the bricks used are of the same red colour.”

Main Issues and Considerations:

This application is recommended for refusal. It is being reported to Committee since previous decisions by Members to refuse proposals to erect the proposed house in an adjacent open field included an indication to the Applicant that an alternative scheme taking the form presently proposed may be considered more favourably. In the circumstances it is considered inappropriate to refuse the application under delegated powers.

The main issues raised by the proposal are its appropriateness in the Green Belt, impact on the openness of the Green Belt and character of the locality.

Access arrangements are acceptable and the house would exceed Council standards for off-street vehicle parking provision and garden space. Of itself, the detailed design of the house is acceptable but its consequence for the character of the locality is also a material consideration. The proposed environmental improvements are in the interests of biodiversity and can be secured by condition since they relate to land in the applicants ownership.

Appropriateness in the Green Belt:

When considering the matter of appropriateness it is first necessary to establish whether the site is previously developed land. The lawful use of the application site is primarily agriculture and the existing buildings are predominantly designed for that purpose. Building A, one of the larger buildings, was found to be in lawful use for the purpose of storage and distribution (Use Class B8) in the Inspectors decision on enforcement appeal ENF/0137/11. It also appears that the lawful use of Building E is residential, most probably as ancillary accommodation to the existing farm house. In any event, Building E was originally built as a stable building and not for the purpose of agriculture. While Buildings A and E are arguably previously developed land, since the lawful use of the remainder of the site (which is by far the greater part of it) is for agriculture it cannot be considered previously developed land.

The proposal is therefore primarily for the erection of new buildings, a dwellinghouse and ancillary garage, on land that is predominantly not previously developed land. Since the proposal is for buildings not required for agriculture or forestry and the development proposed is predominantly not on previously developed land it is

considered inappropriate development in the Green Belt.

The proposal includes the demolition of modern agricultural barns, a storage building originally built as a barn and other smaller buildings largely on the application site but also on land outside of in the site but within the applicant's ownership. The overall volume of the proposed house and garage is significantly less than that of the total volume of the buildings to be demolished while the ground area of the proposed buildings is also significantly less than the total area of the buildings to be demolished. However, the proposed house and garage would not amount to replacement buildings since their proposed use is not the same as the buildings to be demolished.

The fact that the proposed buildings are not replacement buildings reinforces the conclusion that they are inappropriate development in the Green Belt.

Impact on Openness:

The proposed demolition of buildings would enhance the openness of the Green Belt but the proposed new buildings would also significantly impact on such openness. The question of whether the harm to the openness caused by the new buildings is outweighed by the enhancement of openness arising from the demolition of buildings therefore arises.

Of the buildings to be demolished, units A, B, C and G are somewhat less prominent than the proposed house due to their lower height. At a maximum of 5m high, they are considerably lower buildings than the 9.3m high proposed house. They are nonetheless substantial structures of significant bulk. Unit E is a considerably lower structure that is situated abutting a substantial residential outbuilding serving the farmhouse at Willow Park Farm. Unit F is larger, but is also a much lower and less prominent building than the larger agricultural buildings at the former farmyard.

All those buildings are seen within the context of a farmyard and were designed and built for the purposes of agriculture. They are therefore not inappropriate development in the Green Belt and their visual impact and consequence for openness is mitigated by that fact. In the circumstances, the improvement to openness arising from their demolition would not outweigh the considerable harm caused by the proposal.

Units H and I are much smaller low buildings that are seen within the context of existing hedgerow that largely screens views of them. Moreover, they were also designed and built for the purpose of agriculture and consequently are not inappropriate development. The value of their demolition in terms of the enhancement of openness is limited and adds little to the benefits of demolishing the units at the former farmyard.

While comparisons of volume and floor area assist an assessment of impact on openness, they must be considered within the context of the site and the detail of the proposal. The proposed house would be sited in the same location as the larger existing buildings while substantial additional buildings adjacent to the position of the proposed house would also be demolished. Notwithstanding the appropriateness of the existing buildings within the Green Belt, having regard to the key facts about the volume and area of building to be demolished and erected it is concluded that the proposal would result in an improvement in openness at the application site.

That has been assessed above and the exercise does not support the applicant's

contention that the proposal would actually be beneficial to openness. Indeed, due to the prominence of the proposed buildings within the field they would be sited in the opposite is the case and, on the matter of openness, the proposal is found to be excessively harmful.

That conclusion is supported by the fact that the part of the field outside of the application site would be very unlikely to be used for agriculture in the event of the proposal being implemented. It is much more likely to be maintained as grounds for the setting of the proposed house such that the character of the entire field would become residential rather than a mix of agriculture and residential.

Character and Appearance:

Policies LL1 and LL2 seek to conserve the character and appearance of the countryside and ensure any development respects its character. The dominant characteristic of the appeal site is its development for substantial modern agricultural buildings that have a poor appearance. There is no doubt that, of itself, the proposed house, garage and associated works would have a much improved appearance than the existing buildings.

The character of the site would change dramatically as a consequence of the proposal, from one of a modern farm yard to a substantial residence in large grounds. The new character would be inconsistent with the rural character of the locality, however large dwellinghouses are not uncommon in the wider locality.

Since the proposal is considered to result in an improvement in the appearance of the site and since large houses are not uncommon in the locality it is concluded, on balance, that the change in character from agricultural use to residential would, of itself, not cause significant harm to the character of the locality. However, the scale of the proposed house would compete with that of the approved replacement farmhouse. Given its siting in relatively close proximity to it a house of the bulk and height proposed would appear odd. A smaller scale development that would appear subservient to the main approved house would appear more appropriate.

Existence of Very Special Circumstances

The minutes of this Committee's decisions to refuse planning application EPF/1927/13 and planning application EPF/1940/14 both state:

"Members found no justification for the proposal on the restricted application site but were of the view that there may be a case for development that replaced all the former farm buildings on adjacent land if the proposed house were sited in the former farmyard. The scale of any such proposal would require careful examination however."

This proposal follows the advice given by the Committee, which is carefully worded to make clear that any scheme would not necessarily gain approval. In summary, the proposal would introduce very substantial built form to replace lower, less prominent buildings that are, of themselves, not inappropriate development in the Green Belt. Set against that, the proposal would not cause significant harm to the character of the locality and it would achieve an improvement in openness that can only be achieved at the application site. Such matters amount to material considerations of significant weight but they are not of such weight that they outweigh the harm that would be caused to the Green Belt by reason of inappropriateness. Accordingly, they do not amount to very special circumstances and it is likely that such

considerations could be applied to proposals at other farm yards within the District.

The biodiversity enhancements are welcome, but they are not of such significance that they alone, or together with the reduction in built form, outweigh the harm that would be caused by reason of inappropriateness.

Since none of the matters in favour of the proposal are found to outweigh the harm it would cause, those matters do not amount to very special circumstances in favour of the development.

Whether there is a Way Forward

The minutes of the decisions to refuse applications EPF/1927/13 and EPF/1940/14 do state that there may be a case in favour of very special circumstances should the proposed house be sited in the former farmyard rather than in the adjacent open field. The minutes do go on to make clear that Members view was the scale of any such proposal would require careful examination.

The applicant now proposes siting the previously refused house in the former farmyard. Unlike previous proposals, the current proposal has the benefit of not introducing substantial built form into an open field. However, its scale would compete with that of the approved replacement house. There is no doubt it is possible to construct a significantly smaller house and that is likely to work better in design terms.

More fundamentally, such a proposal would still be inappropriate development in the Green Belt and it is also very unlikely to meet the aspirations of the applicant. In the circumstances, therefore, it appears unlikely that there is a realistic way forward that would deliver a development which meets the applicant's aspirations and complies with planning policy.

Conclusion:

The proposal is inappropriate development in the Green Belt that would appear excessively bulky and high in relation to the approved replacement house at Willow Park Farm. No very special circumstances in favour of the proposal exist. For that reason it is recommended that planning permission be 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: Stephan Solon
Direct Line Telephone Number: 01992 564018***

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