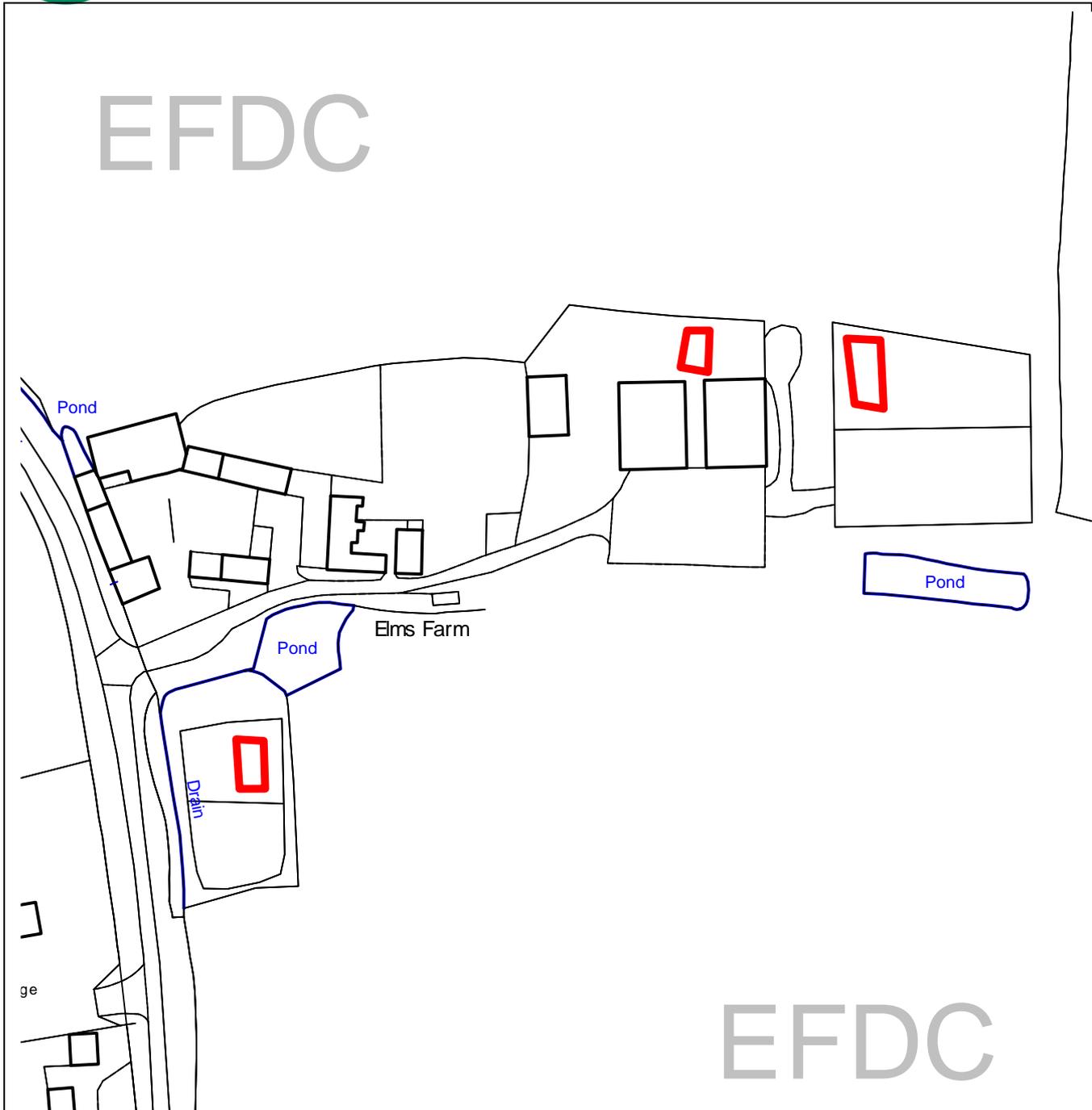




Epping Forest District Council



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Application Number:	EPF/2336/19
Site Name:	Elms Farm Waples Mill Road Abbes Beauchamp And Berners Roding Ongar CM5 0TE
Scale of Plot:	1:1250

Report Item No: 10

APPLICATION No:	EPF/2336/19
SITE ADDRESS:	Elms Farm Waples Mill Road Abbess Beauchamp And Berners Roding Ongar CM5 0TE
PARISH:	The Rodings - Abbess, Beauchamp and Berners
WARD:	High Ongar, Willingale and the Rodings
APPLICANT:	Mrs Catherine Beattie
DESCRIPTION OF PROPOSAL:	2 year temporary siting of x3 no. mobile homes during conversion of outbuildings to dwellings.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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=628783

CONDITIONS

- 1 The development hereby permitted will be completed and retained strictly in accordance with the approved drawings numbers: 1740-004 Rev A and 1905-001 Rev A
- 2 The use hereby permitted shall cease, the caravans together with any associated works shall be removed from the site and the land restored on or before 08 July 2022.
- 3 Within 3 months of the date of this permission, three single caravans shall be placed at the locations shown on the plans hereby approved. Any other caravan currently located within the site boundaries shall by this date be removed from the site. Thereafter, no further caravans shall be sited or stored within the site without prior consent from the Local Planning Authority.
- 4 The occupation of the caravans hereby approved shall be limited to a person solely or mainly working within the application site and to any resident dependants.

This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)).

Description of Site:

Elms Farm lies to the east side of Waples Mill Road to the north west of Willingale and south west of Berners Roding. The primary developed area extends west – east from the road in a roughly rectangular form. These are listed buildings to the front portion of the site comprising stables, the farmhouse and a single storey annexe behind. To the east, on higher ground lie an assortment of commercial buildings, two large industrial units and a couple of smaller possibly former farm buildings with parking and turning areas including hard surfaces, and at the eastern end a menage and paddock for horses. South of access at the front of the site is a further paddock area screened by hedges. Some of the hard surface areas are rubbish strewn. There are a number of mobile homes on the site, some beyond useful life and a number of other minor outbuildings.

The site is surrounded on three sides by open fields, there is a limited ribbon of built development to the south west on the west side of the road but otherwise the site is in open country and the Green Belt. A public right of way runs along the northern site boundary.

Description of Proposal:

The application seeks a two-year temporary permission for the re-stationing of three mobile homes on the site. The units in question are the subject of an ongoing enforcement investigation and this seeks to temporarily resolve the issue. The residential occupiers are involved according to the supporting documents with the management of the stables, which it is submitted require a 24-hour workforce. Following revisions in response to public consultation, one caravan is positioned directly opposite the stable yard, one abutting the rear workshops and the third at the rear at the eastern end of the hardstandings. The latter two are sited so as to provide an additional security function along the vulnerable northern boundary of the site.

The two-year permission is stated as a period to enable longer term plans to come forward for accommodation on the site. This is discussed further below.

Relevant History:

- EPF/0818/09 Refurbishment of existing redundant farm stable buildings and change of use to an equine livery yard and creation of a manage – approved
- EPF/1420/10 Retention of mobile home for occupation by farm caretaker - refused
- EPF/2611/15 Change of use and alterations to steel framed barns including additional floor space, to a mixed use of B1 office, B2 General Industrial, B8 Storage, lambing unit and museum and erection of new building for associated learning centre. Approved subject to conditions, development around and within commercial floorspace at the eastern end of site.
- EPF/2020/17 Conversion of the existing wash house into ancillary accommodation to the main dwelling and LB consent EPF0205/17 – approved
- EPF/1083/18 Prior notification for proposed new grain stores and machinery stores as agricultural buildings – prior approval required and granted
- EPF/0925/19 Change of use of a new agricultural building to agricultural B1 & B2 – refused, impact on Green Belt and SAC
- EPF/2277/19 Change of Use from residential dwelling (C3) to offices (B1), and LB app. no EPF/2289/19 – refused – loss of residential, impact on Listed Building, impact on SAC
- EPF/0812/20 Change of use from agricultural land to new grazing pen including lunge pen – refused – impact on Green Belt, impact on SAC

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
GB5	Residential moorings and non-permanent dwellings
GB7A	Conspicuous development
GB17A	Agricultural, Horticultural and Forestry Workers dwellings
HC12	Development affecting the setting of Listed Buildings
NC1	SPA's, SAC's and SSSI's
RP4	Contaminated land
RST4	Horse Keeping
U3B	Sustainable Drainage Systems
DBE2	Effect on neighbouring properties
DBE9	Loss of Amenity
ST2	Accessibility to development
ST6	Vehicle parking

NPPF (February 2109):

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:

- 11 Making effective use of land
- 13 Protecting Green Belt land

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).²²"

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 weight afforded by your officers in this particular case indicated:

POLICY	WEIGHT AFFORDED
SP6 – Green Belt and District Open Land	Some
SP7 – The Natural Environment, Landscape Character and Green and Blue Infrastructure	Some
T1 – Sustainable transport choices	Significant
DM2 – Epping Forest SAC and Lee Valley SPA	Significant
DM4 – Green Belt	Significant

DM7 – Heritage Assets	Significant
DM9 – High quality design	Significant
DM16 – Sustainable drainage systems	Significant
DM19 – Sustainable water use	Significant
DM22 – Air quality	Significant

Consultation Carried Out and Summary of Representations Received

Date of site visit: 15 November 2019
Number of neighbours consulted: Six
Site notice posted: 15 November 2019
Responses received: Three neighbour responses, from VICTORIA LODGE, VICTORY HOUSE and 2 THE BUNGALOWS, BERNERS RODING raising a number of issues:

- Impact on Green Belt
- Prominence of proposed siting (one resident notes the caravans are already on the site in a more concealed location which they would not object to)
- Insufficient evidence of need (could use existing dwelling)
- No change in circumstances from 2010 refusal
- Increased traffic on the lane
- Concerns at other developments indicated on the plans (removed from amended scheme)

Parish Council: Abbess Beauchamp and Berners Roding PC object to the application, commenting as follows:

1. *The original application for one mobile home was turned down in 2010 and the applicants were told to remove the home from the site. They have actually brought in additional homes in flagrant disregard to the refusal by EFDC.*
2. *Nothing has changed from the reasons that the 2010 application was turned down namely the site is still located in Metropolitan Green Belt and there is insufficient justification for a need for an agricultural dwelling on site. The siting of one never mind three mobile homes are not considered appropriate development for the openness, character and appearance of the rural site and they are also detrimental to the setting of a listed building. The siting is in full view of neighbouring properties.*
3. *As they currently only appear to have permission to convert one small outbuilding to residential why do they require three mobile homes on a temporary basis?*
4. *The Parish Council has been asked to ask why only two of the neighbours were included on the list for consultation where there are seven house that are facing either on the road or up the adjacent byway?*
5. *If despite our strong objections the District Council decides to grant permission for the temporary siting of these mobile homes they should not be allowed to site these adjacent to the road where they most certainly would be detrimental to the setting of the listed building. We should also request regular inspections of the site of the mobile homes by the EFDC enforcement officer to ensure that any requirements are being strictly maintained.*

Main Issues and Considerations:

The applicants submit that there is an operational requirement for accommodation on the site which cannot currently be provided within the existing farmhouse which is in need of extensive refurbishment. This requirement arises from the welfare needs of horses stabled at the site in particular, but the presence of residents on site also provides wider security for the site which includes a number of commercial uses (which it should be noted are lawful). Officers consider that this is not an entirely unreasonable case – while other stables throughout the District often operate without living accommodation on site, the alternative is not unique. In terms of site security, the

footpath passing immediately along the northern edge of the site evidently makes the site vulnerable to potential intruders.

The caravans are currently located in a cluster within the garden of the listed building. While this siting is away from public view, it does have a significant and detrimental impact on the character and setting of the listed building. Thus it is highly desirable in listed building terms to move the structures from the current location.

The application seeks permission on a temporary two-year basis, to allow other options including more permanent residential accommodation to be explored. Notwithstanding the application was submitted last year, the temporary two-year period is sought from the date of determination of the application. The applicants have not progressed substantially on the refurbishment and other options during the application period as they have awaited clarity on the acceptability of the two-year period, and more recently due to the national situation.

These matters are material to the consideration of the application in Green Belt terms. The site appears to have a defined curtilage within which the buildings and site infrastructure is located, including areas which are used and laid out for equestrian related activities around the fringe. This is distinctive from the surrounding area of open farmland. Officers therefore identify a difference in terms of the function of the 'developed' element and the surrounding area. The caravans are all sited within the former and are of themselves modest temporary structures. Within the context of the area containing buildings - the domestic curtilage of the farmhouse, hard surface access ways, parking areas and paddocks – the caravans represent minor additions to the general paraphernalia on the site. In this context, officers do not consider that on a temporary basis could be seen as harmful to the Green Belt, particularly if weight is given to the special circumstances set out above.

Objectors make reference to an application for a mobile home for use by a caretaker on the site which was refused permission in 2010. Officers note a number of differences between the applications – the 2010 application sought a permanent permission and it was noted in the report that the need for the accommodation had not been adequately justified. Since that decision, the site has expanded – the equine livery operation had only been granted planning permission in 2009 and has increased its operation over the years, and the 2015 permission for change of use to the barns and additional buildings associated therewith have changed the character of the site somewhat. Changes in national and local policy have also resulted in a change in emphasis, some of the policies in the Local Plan at the time are no longer applicable. Thus, officers are satisfied the previous decision is not significant to the consideration of the current application.

Several objectors refer to issues around caravans located close to the road. The amendments to the application mean only one caravan is so located now, and on an area of the site which is partially screened from the road and has been used for a paddock. Officers consider the visual impact on the single structure will not be significant to the street scene, and is beneficial to the character and setting of the listed buildings.

The Parish Council raise issues around the extent of consultation, mistakenly suggesting only two properties were notified. Six properties in the immediate vicinity were notified.

Conclusion:

The issues raised in the application are finely balanced. Evidently the use of the site has moved on from the previous refusal for a caravan and the activities thereon raise more issues around care for horses and the security of the site. Officers consider that the application should be treated on its merits and the case the applicant has submitted for time to develop a wider strategy has been given weight. However, it would be unlikely that such a case could be justified for an extension if

refurbishment of the existing dwelling does not progress during the two period. The will however need careful design consideration given the listed status.

In the circumstances, officers consider that a case of very special circumstances has been established for a two-year approval such that the short term harm to the Green Belt does not override the justification. In recommending approval however, an informative is also recommended to make clear the Council's position, as under:

In granting permission for a temporary two year period, the Council has given weight to the applicants case that a strategy for provision of permanent accommodation can be developed and implemented within the two year period. The Council see this strategy as including the return of the existing farmhouse to living accommodation. You are advised that it would be very unlikely that similar arguments would be given the same weight should an application to extend the period be submitted.

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