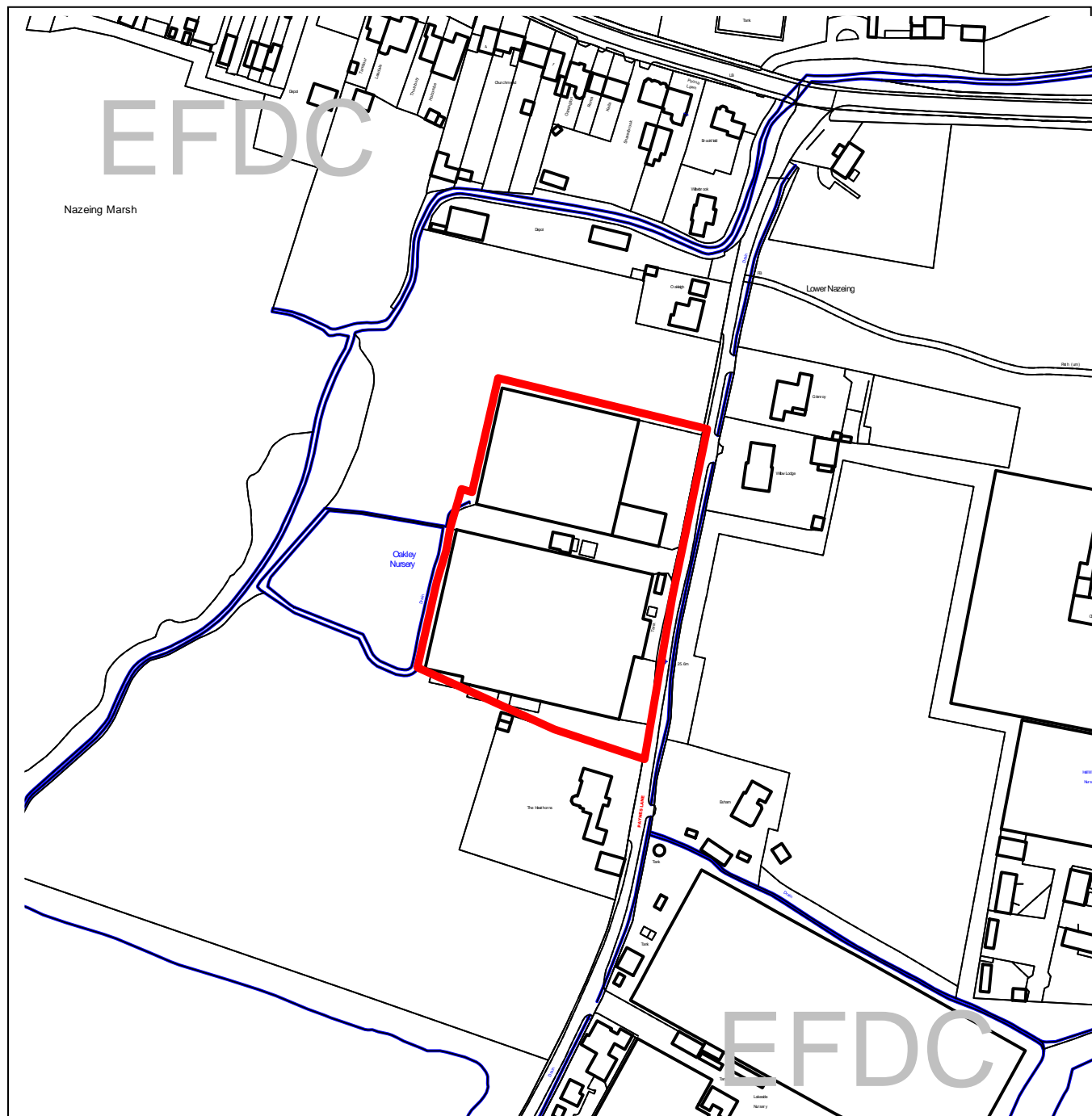




Epping Forest District Council



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Application Number:	EPF/2562/19
Site Name:	Oakleigh Nursery Paynes Lane Nazeing EN9 2EU
Scale of Plot:	1:2500

Report Item No: 9

APPLICATION No:	EPF/2562/19
SITE ADDRESS:	Oakleigh Nursery Paynes Lane Nazeing EN9 2EU
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr Giovanni Orlando
DESCRIPTION OF PROPOSAL:	Retention of existing caravan for agricultural office and business use only.
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=629686

CONDITIONS

- 1 The development hereby permitted will be completed and retained strictly in accordance with the approved drawings numbers: 2573 - 15A4 - 201A, 2573 - 15A4 - 202A and Flood Risk Assessment by UK Flood Risk Consultants (dated 10/04/2018).
- 2 The caravan hereby approved shall only be used as an office ancillary to the business operation of the nursery and not for any residential purposes.
- 3 In the event that the nursery use ceases on site, the caravan hereby approved shall be removed, and the land shall thereafter cease to be used for the stationing of a caravan.
- 4 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the local planning authority contacted and a scheme to investigate the risks and/or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the local planning authority prior to the recommencement of development works. In such instances, following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

This application is before this Committee since the recommendation is for approval contrary to an objection from a Parish 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).

Site and Surroundings

Oakleigh Nursery is a working nursery with two glasshouses and associated outbuildings, located on the western side of Paynes Lane. The site is within the Metropolitan Green Belt. There are a mix of nurseries and residential properties within the area. The site is within Flood Zone 2.

Proposal

The proposal is for the retention of the existing caravan as an office ancillary to the business operation of the nursery.

Relevant Planning History

EPF/0041/16 - The replacement of two existing dilapidated caravans with 2 new caravans for residential use by nursery workers (and associated concrete bases) - Approved

EPF/0861/16 - Retention of 1 mobile caravan to provide accommodation for workers – Refused.

EPF/1163/18 - Retention of single mobile caravan – Refused.

EPF/1200/18 - Application for approval of details reserved by condition 4 'drainage details' and 5 'flood risk assessment' on planning application EPF/0041/16 (The replacement of two existing dilapidated caravans with 2 new caravans for residential use by nursery workers (and associated concrete bases) – Details approved

Development Plan Context

Local Plan and Alterations 1998 & 2006 (LP)

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 of relevance to this application:

CP2	Protecting the Quality of the Rural and Built Environment
CP8	Sustainable Economic Development
GB2A	Development in the Green Belt
GB11	Agricultural buildings
U3B	Sustainable Drainage Systems
DBE1	Design of New Buildings
DBE2	Effect on neighbouring properties
DBE4	Design in the Green Belt
DBE9	Loss of amenity
U2A	Development in Flood Risk Areas
RP4	Contaminated land

National Planning Policy Framework 2019 (Framework)

The Framework 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 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 of relevance to this application:

Paragraph 83
Paragraphs 133, 143 - 146
Paragraph 175

Epping Forest District Local Plan Submission Version 2017 (LPSV)

Although the LPSV does not currently form part of the statutory development plan for the district, on 14th December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

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

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2nd August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her final conclusions.

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 table lists the LPSV policies relevant to the determination of this application and officers' recommendation regarding the weight to be accorded to each policy.

Policy	Weight afforded
SP1 Presumption in Favour of Sustainable Development	Significant
E1 Employment Sites	Significant
T1 Sustainable Transport Choices	Significant
DM2 Epping Forest SAC and the Lee Valley SPA	Significant
DM3 Landscape Character, Ancient Landscapes and Geodiversity	Significant
DM4 Green Belt	Significant
DM5 Green and Blue Infrastructure	Significant
DM9 High Quality Design	Significant
DM11 Waste Recycling Facilities on New Development	Significant
DM15 Managing and Reducing Flood Risk	Significant
DM21 Local Environmental Impacts, Pollution and Land Contamination	Significant
DM22 Air Quality	Significant

Summary of Representations

Number of neighbours Consulted: 2. 1 response(s) received
Site notice posted: Yes

HAWTHORNS, PAYNES LANE – Objection – Summarised as;

- Impact on Green Belt;
- Noise disturbance;
- Overlooking;
- Inaccurate plans;
- Insufficient justification for caravans;
- Breach of Human rights;
- Land Contamination;
- Contrary to policy E3;
- Flood Risk; and
- Impact on our amenities.

NAZEING PARISH COUNCIL – STRONGLY OBJECTS to the application stating that;

- i. It is an inappropriate development in the Green Belt contrary to EFDC Local Plan (GB2A – Development in the Green Belt)
- ii. It is inappropriate development in the Lee Valley Regional Park (Policy GB10 Lee Valley Regional Park)
- iii. It is not in accordance with E13 requirements
- iv. The accommodation is not fit for purpose
- v. The applicant has not complied with the majority of the conditions attached to application EPF/0041/16.

If the application is referred to Committee, the Council would wish to attend the meeting and make representations.

If permission is granted, the Council would request that it should be subject to the following Conditions:

- i. Suitable arrangements to be introduced for Sewage disposal
- ii. The Original caravans have not been removed and should be disposed of
- iii. The caravans should not be so close to the boundary, as they overlook the neighbouring property (Policy DBE9 – Loss of Amenity)

EFDC LAND DRAINAGE – No objection

Planning Considerations

The main issues for consideration in this case are:

- a) The impact on the Green Belt;
- b) The impact on the living conditions of neighbouring properties;
- c) The impact on the Epping Forest Special Area of Conservation;
- d) Flood risk; and
- e) Land contamination.

Principle/Green Belt

The judgement In the Wealden District Council v SSE and Colin Day 1987, took the view that a caravan could be used as an ordinary piece of equipment on an agricultural unit and that there was no reason why uses such as storing and mixing of feed, some office work and the taking of shelter could not be carried out in such a caravan, which was ultimately ancillary to the agricultural use of the land.

Furthermore, it is well established that a caravan is a chattel, as confirmed by the Wealden case. Therefore, unless such a caravan is adapted so as to make it a permanent structure, planning permission will definitely not be required for the stationing and use of such a caravan for any purpose which is ancillary to agriculture. However, as the caravan was initially intended to accommodate the nursery workers which would have been done unlawfully, this application is necessary to ensure that the caravan at a later stage is not used for accommodation for the nursery workers. This can be done via a suitably worded condition.

Therefore, as the caravan is not a permanent structure and it would be used for the day to day operation of the nursery and not for permanent residential use, it is considered that the proposed caravan is ancillary to the agricultural use, so a condition preventing any residential use would be attached as part of the consent.

Furthermore, it is considered that the above stationing and use of the caravan for ancillary to the agricultural use has not resulted in a material change of use of land, so there is no adverse impact to the Green Belt.

Moreover, whilst the provision of caravans within the rural area can have an adverse impact on the character and amenity of an area, the caravan is set well back from the road and is viewed in the context of the nursery and nursery buildings including large glasshouses. As such it is not considered that they have a particularly harmful impact on the character and visual amenity of the area. Similarly, the concrete pads, whilst they have resulted in the loss of a previously overgrown area, it has been kept to a minimum size and does not have an adverse impact on the visual amenity of the area.

Impact on Adjacent Residential Amenity

The caravan has been sited close to the southern common boundary of the site adjacent to the detached house known as Hawthorns and agricultural land to the rear of that dwelling. Objections have been raised regarding the loss of amenity, overlooking and noise impact amongst others, however following a site visit, officers are of the view that the siting of the caravan will not have any impact on the amenities of the neighbouring property and that there is no reasonable evidence for the above concerns. This is due to the existing high matured hedges and trees along the common boundary that provides a high level of screening to both sites, so the caravan is not readily visible to the occupiers of Hawthorns. Furthermore, the caravan is of a single storey, located in excess of some 25 metres from the rear elevation of the dwelling and, at a slight angle, so there would be no significant impact that justifies a reason for refusal.

Moreover, as the unit is sited a significant distance from the neighbouring dwelling and bearing in mind that the authorised use of the site is for agricultural use, which would be likely to generate a certain level of noise, the caravan to be used as an office ancillary to the agriculture use is not considered harmful in that respect.

Epping Forest Special Area of Conservation (EFSAC)

The caravan has been in situ for a significant period on site and would not result in any increased vehicle movements from the site. Also, as the office would only be relocating from the existing packing shed to the caravan, there would be no impact to the EFSAC in terms of air quality. Thus, no contributions will be required from this scheme.

Flood Risk

Whilst concern has been raised by the neighbour at Hawthorns regarding the infilling of a drainage ditch and increased risk of flooding to their dwelling, the Council's Drainage team have raised no objections to the proposal as the accompanied flood risk assessment was found to be acceptable.

Contaminated Land

As the caravan is situated on top of hardstanding, it is not considered that there would be any harm regarding this matter, but a condition dealing with any unexpected contamination would be attached as part of the consent for clarity.

Conclusion

The retention of this caravan would help the applicant manage the day to day operations of the nursery in line with paragraph 83 of the Framework supporting a prosperous rural economy, and a suitable worded condition would prevent any residential use of this caravan.

For the reasons set out above having regard to all matters raised, it is recommended that conditional planning permission be granted.

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: Muhammad Rahman
Direct Line Telephone Number: 01992 564415

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