

Delegated Report
EPF/1554/21 (031242)

Land adjacent to Jessica, Chase Lane, Chigwell, Essex, IG7 6JW

Description of Site:

The application site is a piece of land to the East of The Orchard / adjacent to Jessica, Chase Lane.

The site is located within the Metropolitan Green Belt, it is not located within a Conservation Area and there are no listed buildings on the site.

Description of Proposal:

*Convert existing stables into a larger barn, construct an all-weather riding arena and adjacent store. ** Corrected site address ***

Proposed Barn - 24.5m x 11.6m. Maximum height 4m (incorporating footprint of existing Barn - 19.5m x 5.9m. Maximum height 3.3m)

Proposed Riding Arena measuring 50m x 30m.

Proposed Arena Store – 7.2m x 3.6m. Maximum height 3m.

Relevant Planning History:

EF\2020\ENQ\01120

Construction a single American Style barn and all weather riding arena.

Pre-app response issued 21.01.21 – Not supported – proposal would be inappropriate development in the Green Belt.

EPF/0992/19

Shepperd's Nursery, Chase Lane

Revision to EPF/1618/17 to allow changes to the stable and storage building design.

Approved 15.07.2019.

EPF/1618/17

Shepperd's Nursery, Chase Lane

Construction of a two-storey detached residential dwelling, with the demolition of existing stables and outbuildings and their replacement with new stables and storage facilities

Approved 23.08.2017.

Relevant Planning Policies:

Epping Forest Local Plan and Alterations (1998/2006)

CP1- Achieving sustainable development objectives

CP2 - Protecting the quality of the rural and built environment

DBE1 – Design of New Buildings

DBE4 – Design in the Green Belt
DBE9 – Loss of Amenity
GB2A – Development in the Green Belt
LL10 – Adequacy of Provision for Landscape Retention
RST4 – Horse Keeping
RST5 – Stables

National Planning Policy Framework Policy (February 2019)

The National Planning Policy Framework (NPPF) states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

Epping Forest District Local Plan Submission Version) 2017 (LPSV)

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

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.

The appointed Inspector issued her initial advice on 2 August 2019 and since then, the Council has undertaken further work to address the actions identified by the Inspector. This has led to the production of a number of proposed changes to the Local Plan Submission Version 2017 (known as the Schedule of Main Modifications) and additional supporting documents associated with the Main Modifications. These are to address issues of soundness and/or legal compliance identified by the Inspector.

The Main Modifications include changes to some of the supporting text and Policies within the Plan, deletion and amendment to some site allocations, updated Housing Supply data to March 2020, along with associated changes to the mapping contained within the Plan.

The Main Modifications are put forward without prejudice to the Inspector's final conclusions on the Plan. Following the close of the consultation (ends 23rd

September 2021), the representations will be passed to the Inspector for her consideration before the publication of the Inspector's final report.

The following policies in the LPSV are considered to be of relevance to the determination of this application:

SP1 – Presumption in Favour of Sustainable Development
SP7 – The Natural Environment, Landscape Character and Green Infrastructure
DM3 – Landscape Character and Ancient Landscapes
DM4 – Green Belt
DM9 – High quality design
DM10 – Housing Design and Quality
D4 – Community, Leisure and Cultural Facilities.

Consultations:

Tree Officer:

“We have NO OBJECTION to this application subject to the addition of the following conditions:-

SCN31 – retention of trees and shrubs

Tree Protection

Tree protection shall be implemented prior to the commencement of development activities (including demolition), and the methodology for development (including supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports and Tree protection shall be installed as shown on Equestrian Blueprint drawing number TP1 dated 27th May unless the Local Planning Authority gives its prior written approval to any alterations.

Reason: To safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development, in accordance with policy LL10 of the adopted Local Plan 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, the NPPF 2019, and Section 197 of the Town and Country Planning Act 1990 (as amended).”

Land Drainage: No response received.

Cadent Gas Limited:

“Searches based on your enquiry have identified that there is apparatus in the vicinity of your enquiry which may be affected by the activities specified.

Can you please inform Plant Protection, as soon as possible, the decision your authority is likely to make regarding this application.

If the application is refused for any other reason than the presence of apparatus, we will not take any further action.”

Representations:

Chigwell Parish Council: Objection.

“The Council OBJECTS to this application because the proposed conversion is within the Metropolitan Green Belt. If the assigned officers deem this application acceptable, whether with amendments or not, then this council is willing to waive its objections.”

12 neighbouring properties were consulted on the 29th June 2021 and the same neighbours were re-consulted on 7th July 2021 to advise them of the corrected site address.

6 responses have been received, comprising 3 objections and 3 letters of support as follows:

Objections:

Chase Farm Riding Stables, Chase Lane:

“Whilst, we have no objection to the continued equestrian use, we are concerned regarding the scale of the development and its intended use and the impact this will could have on the lane and the amenity of the local area. Indeed, the description is slightly misleading and perhaps it would better read as the replacement of the existing stables with a larger barn rather than a conversion as it is assumed little of the existing stables would remain.

Firstly, turning to the proposed building, this will significantly increase the size of the existing facilities, by replacing a small stable block with an equestrian facility akin to a commercial entity. This includes space and potential for up to 9-10 stables as each of the rooms has the exact dimensions of a stable but which has been annotated as other uses such as a solarium or drying room. However, there would be control over these becoming stables in the future. The existing building of 3 stables and tack/feed stores measures approximately 81sqm and this will be replaced by the new building of some 278sqm. This is an increase of 243% over the existing building. The plans also propose a further detached building termed as an arena store will amounts to 25sqm and is also the exact same dimensions as two stables. The riding arena itself is to measure 50m x 30m.

The Design and Access Statement refers to supporting letters from the applicants but this cannot be seen on the website. However, the Design and Access Statement does state the facilities will be for personal use only but we raise concerns over the scale of the facilities which appear to be excessive and easily used for a greater activity and which we feel is disproportionate to the size of the land and for a personal use.

Furthermore, the grazing land appears to only be around 4-5 acres and having regard to the British Horse Society (BHS) standards of requiring 1-.15 acre per horse, it would appear these facilities are excessive for the land holding to which the building will serve. Indeed, even the six stables shown on P2-3 does not meet the BHS land requirements as it would calculate at 0.71 acres per horse. This does not take account of the fact further land would be lost through the riding arena, areas of roadway and larger buildings, which would likely result in the resultant land being less than 4 acres and would decrease the land available for grazing. It is considered the existing stables (3 stables) is proportionate to the land holding and in accordance with the BHS standards. Thus, there could be horse welfare concerns.

Therefore, we question the justification for this significant increase in such facilities and their proportionality to the land and their intended personal use.

Against this statement that the facilities will be used for personal use of the family, it is understood the application land is owned by one of the owners of the land to the west of Chase Lane at Shepperds Nursery and for which a building of 4 stables was approved under EPF/1619/17 (amended under EPF/0992/19). There is also an existing sand school which the applicants use. Thus, it is unclear why the family require a further sand school and which would be extensive for a relatively small area of land, either side Chase Lane.

Furthermore, from social media extracts it appears the existing sandschool has been used for commercial activities including riding lessons and which has impacts on the use of the lane, including parking. A copy of these extracts will be made available to the planning officer

Thus, having regard to the scale of the development and the existing commercial activities, we are concerned about the impacts that this development could have in facilitating an intensification of what is currently a low-key stable block and grazing land. The existing commercial activities together with the potential for up to 12 stables and a larger sand school, represent a worrying situation. Indeed, the existing commercial activities already cause problems and this would only exacerbate the issues, including a significant increase in the use of the lane. It is also unclear why the owner requires two sets of stables and 2 sand schools for these relatively insignificant areas of grazing land.

In terms of other policy, including Green Belt, the replacement building would be materially larger than the building it will replace and thus, will be an inappropriate form of development within the Green Belt. Furthermore, whilst the arena could be considered to relate to a sport and recreational form of development, the construction of such a significant building would be beyond such definition.

We would also wish to raise concerns over the location of the muck heap and proximity to the ditch as it was understood this should not be located near to watercourses to avoid wider pollution. Furthermore, it is noted on the plans that there is no ecology report on the website on account of the pond to the north and it is assumed the council will ensure sufficient assessment is undertaken in respect of European protected species such as Great Crested Newts and any potential loss of habitat.

I trust these comments will be taken into account as part of the application process and I look forward to hearing from you in due course.”

Plus extracts suggesting commercial activity.

The Annexe, Chase Farm Cottage, Chase Lane:

Same comments as per Chase Farm Riding Stables above.

Chase Farm Cottage, Chase Lane:

Same comments as per Chase Farm Riding Stables above.

Support:

Orchard, Chase Lane:

“I fully support this application”.

Willow Lodge, 2 Chase Lane:

“We support the application”.

Jessica:

“No objection to planning or proposed changes whatsoever.”

Main Issues and Considerations:

The main issues for consideration are the appropriateness of the development in relation to Metropolitan Green Belt; the design and visual impact of the development on the character and appearance of the surrounding area and on the amenities of neighbouring properties.

Impact on Green Belt

The National Planning Policy Framework, (NPPF), 2021 states that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. There is a presumption against inappropriate development which is, by definition, harmful to the green belt and should not be approved except in very special circumstances.

Paragraph 148 of the NPPF states that when considering planning applications, local planning authorities should ensure that substantial weight is given to any harm to the Green belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

Paragraph 149 states that Local Planning Authorities should have regard to the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- a) Buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) Limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - Not have a greater impact on the openness of the Green Belt than the existing development; or
 - Not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

The application site is currently used for stabling / equestrian purposes which is an outdoor recreation use falling within the definition of Paragraph 145 b) of the NPPF as set out above.

As such the tests of Para 149 b) apply. Buildings associated with an outdoor recreation use are only acceptable within the Green Belt where these facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

The proposed development comprising a Barn (24.5m x 11.6m. Maximum height 4m) Riding Arena (30m x 50m) and Arena store (7.2m x 3.6m. Maximum height 3m) would be of significant scale, volume and footprint, resulting in a much greater impact on the openness of

the Green Belt than the existing building on the site.

Having failed the exceptions test of Paragraph 149, any proposed building in the Green Belt is considered to be inappropriate development unless Very Special Circumstances can be demonstrated. No Very Special Circumstances exist have been demonstrated this case.

Planning permission EPF/1618/17 (amended by EPF/0992/19) is also relevant to the consideration of the current application. As part of this permission, a significant amount of stable buildings were removed in a trade off for the new development allowed which included a new dwelling and replacement stable buildings for personal use. The approved new dwelling, stable building and storage building amounted to a 54% increase over the volume of the buildings originally on the site.

Whilst the current application is on a different site on the other side of Chase Lane, the land is in the same ownership and made by the same applicant as the EPF/1618/17 permission and it is clear that any Green Belt allowances on this land have already been exceeded.

The proposed development is inappropriate development in the Green Belt and is unacceptable for this reason.

Design

The proposal is of a simple, acceptable design in keeping with the rural, agrarian setting. The proposal would comply with policies DBE4 and DBE10 of the Adopted Local Plan 1998, policies DM4 and DM 10 of the LPSV 2017 and the NPPF 2019 which all seek to promote high-quality design.

Impact on Neighbouring Amenity

Due to the distance between the proposal and the closest neighbouring properties, there would be no impact on living conditions of any neighbouring property by reason of overbearingness, loss of light (daylight and sunlight) or loss of outlook. The proposal therefore complies with policies DBE9 of the Adopted Local Plan, DM9 of the LPSV 2017 and the NPPF 2019.

Trees

There are trees on the site particularly on the western boundary with Chase Lane. Tree Protection documents have been submitted and assessed by the Council's Tree Officer who has no objection to the proposal subject to tree protection conditions.

Conclusion:

In conclusion, the development is inappropriate development in the Green belt, by definition harmful, in addition due to its excessive scale, volume and footprint it will have a considerable visual impact on openness. No very special circumstances are apparent sufficient to outweigh the identified harm and the application is therefore contrary to national and local Green Belt Policy. In light of the above considerations it is recommended that planning permission be refused.

Documents:

Drawing E2-3 – Existing Block Plan

Drawing E3-3 Rev 1 – Existing Elevations

Drawing P1-3 Rev 1 – Location
Drawing P2-3 – Proposed Block Plan
Drawing P3-3 Rev 2 – Proposed Elevations
Drawing P4-3 Rev 2 – Proposed Layout
Drawing P4-5 – Proposed Roof Plan
Drawing AS3-3 – Arena Store Elevations
Drawing A2-3 – Arena Block Plan
Drawing A3-3 – Arena Cross Sections
Drawing TP1 – Tree Plan
Arboricultural Impacts Assessment, OMC Associates, 16 March 2021
Arboricultural and Construction Method Statement, May 2021
Design and Access Statement
Personal Statement
Letter of Support 1
Letter of Support 2
Biodiversity Checklist
Tom Competing Photographs.