

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P0103.24

WARD: Harold Wood **Date Received:** 22nd January 2024

ADDRESS: Emerys Poultry Farm, Tomkyns Lane
Upminster

PROPOSAL: Proposed stables

DRAWING NO(S): Site location plan
001 Revision A
002 Revision A
003 Revision A
004 Revision A
005 Revision A

RECOMMENDATION: It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

SITE DESCRIPTION

The application relates to a detached two storey dwelling at E P F Emerys Poultry Farm, Tomkyns Lane, Upminster. The site falls within the Metropolitan Green Belt, the Thames Chase Community Forest and a Site of Nature Conservation Importance (SINC). The level of land varies throughout the site but generally rises to the east.

DESCRIPTION OF PROPOSAL

The application seeks consent for proposed stables.

The proposal includes the demolition of an existing shed and stables.

RELEVANT HISTORY

E0002.24	Site is a single dwelling house Awaiting Decision
P1068.23	Demolition of existing sheds, barn and stables and rebuilding of stables and 3 new barns. Refuse 08-12-2023
P1059.23	4 vehicle garage with 3 open bays and single closed bay.

	Refuse	08-12-2023
P2325.21	Single storey rear and two storey side extension.	
	Apprv with cons	26-05-2022
P1495.18	Outline application for the erection of one single storey and one two storey dwelling and associated parking and amenity area	
	Refuse	04-02-2019
E0015.17	Certificate of lawfulness for the residential (C3) occupation of dwelling in non-compliance with agricultural occupancy condition.	
	PP not required	26-07-2017
P0427.04	Re-siting of one dwelling (Approved Ref.P1001.03)	
	Apprv with cons	29-04-2004
P0028.04	Redundant barn - Change of use to use class B1 business	
	Withdrawn	22-01-2004

CONSULTATIONS/REPRESENTATIONS

The application was advertised by way of a site notice, in the local press and letters sent to 11 neighbouring occupiers. No letters of representation were received.

StreetCare Department - No domestic waste associated with this application.

The Planning Policy Department submitted the following consultation response for the planning application, P1068.23. The applicant will need to submit an Arboricultural survey (even if trees and hedges are not removed or pruned, they will need protection during construction), a preliminary ecological appraisal (PEA) and potentially protected species surveys depending on the PEA findings. The buildings may support bats and nesting birds. The PEA should include an assessment of whether badgers use the site and land adjacent to the site.

RELEVANT POLICIES

Policies 7 (Residential design and amenity), 26 (Urban Design) 27 (Landscaping) and 30 (Biodiversity and geodiversity) of the Havering Local Plan (2016-2031) as well as the Havering Community Infrastructure Levy Charging Schedule.

Policies D4 (Delivering Good Design), G2 (London's Green Belt), G6 (Biodiversity and access to nature) and G7 (Trees and woodlands) of the London Plan are relevant.

The National Planning Policy Framework is relevant.

MAYORAL CIL IMPLICATIONS

The CIL form states that the proposal is for the demolition of an existing shed and stables and

rebuilding of stables. During the course of the application, the Case Officer requested a revised CIL form, as Sections 6 and 7 were incomplete. According to the revised CIL form, the existing shed and stables with a cumulative gross internal area of 96 square metres will be demolished, these are still in use and will be deducted from the proposed total gross internal area.

Proposed floor space of stables - 66sqm
 $96 - 66 = 30$

There would be a reduction in the net additional gross internal area following development of approximately 30m² and therefore, the proposal would not be liable for mayoral CIL and Havering CIL.

STAFF COMMENTS

This proposal follows a previous planning application, P1068.23, for the demolition of existing sheds, barn and stables and rebuilding of stables and 3 new barns, which was refused planning permission for the following reasons:

1)The site is within the area identified in the Havering Local Plan as Metropolitan Green Belt. Policy G2 of the London Plan and Government Guidance as set out in the National Planning Policy Framework (Green Belts) states that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area so allocated and that new development will only be permitted outside the existing built up areas in the most exceptional circumstances. The proposal is inappropriate in principle in the Green Belt and no very special circumstances have been provided to outweigh the harm caused by reason of inappropriateness and visual harm to the character and openness of the Green Belt. The cumulative effect of the built form, scale, bulk, mass and siting of the proposal would result in the loss of openness to the Green Belt. The proposal is therefore contrary to Policy G2 of the London Plan, as well as the National Planning Policy Framework.

2)In the absence of a biodiversity (Ecological) Survey and report and a Tree Survey/Arboricultural Method Statement, the siting and scale of the proposal is likely to be harmful to ecology and the trees on the site contrary to Policies 27 and 30 of the Havering Local Plan, Policies G6 and G7 of the London Plan and the guidance contained in the National Planning Policy Framework.

In this respect, the current application differs from the approved scheme in the following key areas:

- The proposal has changed from the demolition of existing sheds, barn and stables and rebuilding of stables and 3 new barns, to the demolition of an existing shed and stables and proposed stables.
- The width and length of the stables have been reduced from 13.9 metres to 11.2 metres.
- The depth of the stables has been reduced from approximately 4.75 to 3.6 metres.
- The ridge height of the proposed stables has been reduced from approximately 3.6 to 3.3 metres.
- The siting of the proposed stables has changed and is further away from the southern boundary of the site.
- The plans show hedges of Leylandii and mainly Leylandii and some other trees within and adjacent to the site.

In accordance with the current protocol for site visits, an in-person site visit was not considered to be necessary. Site photos were provided by the applicant/agent in support of the application. In determining this planning application, photos, Google Street ViewTM, aerial view images and

submitted drawings were used to assess the site constraints.

The main issues in this case are principle of development, the impact on the Metropolitan Green Belt, the impact of the proposal on the streetscene, the impact on residential amenity, any highway and parking issues, trees and ecology.

PRINCIPLE OF DEVELOPMENT

The site is located in Metropolitan Green Belt. The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, 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 resulting from the proposal, is clearly outweighed by other considerations.

A local planning authority should regard the construction of new buildings as inappropriate in the 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.

Planning application P1068.23 was refused on the grounds that the proposal is inappropriate in principle in the Green Belt and no very special circumstances have been provided to outweigh the harm caused by reason of inappropriateness and visual harm to the character and openness of the Green Belt. The cumulative effect of the built form, scale, bulk, mass and siting of the proposal would result in the loss of openness to the Green Belt. The proposal is therefore contrary to Policy G2 of the London Plan, as well as the National Planning Policy Framework.

In comparison with planning application, P1068.23, the proposal has changed from the demolition of existing sheds, barn and stables and rebuilding of stables and 3 new barns, to the demolition of an existing shed and stables and proposed stables.

According to the supporting statement, "The proposal is to construct a stable block to house two

horses, two donkeys plus a tack room. The stables will be in modules measuring 3.6m x 3.6m which is recommended by the British Horse Society for a stable to suit average sized horses. The two donkeys currently live on site in the existing stables. The two horses owned by the landowner, are currently stabled several miles away until new stables are constructed. This is obviously very inconvenient and expensive resulting in unnecessary daily car journeys".

The supporting statement states that: "It is proposed to demolish the existing donkey stables plus the shed (originally 3 stables), which are unsuitable, in poor repair and letting in rainwater. The demolished buildings have a combined volume of 294m³ with the proposed stables having a volume of 245m³. This results in a decrease in volume of 49m³".

A condition will be imposed stating that "Within one month of the completion of the proposed stables hereby approved, shed 3 and existing stables shown on the plans including the Proposed Site Block Plan on Drawing No. 002 Revision A shall be demolished in their entirety and all material arising there shall be permanently removed from the site" if minded to grant planning permission to protect the open and spacious character of the Metropolitan Green Belt.

It is considered that the proposal could fall under section b) of paragraph 154 of the NPPF (the provision of appropriate facilities in connection with the existing use of the land or a change of use) for outdoor sport, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it; or to a lesser extent, section d) (the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces) of paragraph 154 of the NPPF.

GREEN BELT IMPLICATIONS

The NPPF attaches great weight to Green Belts in preventing urban sprawl by keeping land permanently open. 'Openness' is not defined in the NPPF, and is not necessarily focused entirely on visual prominence. Importance is given to taking into account the overall visual experience when assessing the impact on openness. The NPPF identifies the fundamental aim of the Green Belt as "to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence"

During the course of the application, the Case Officer asked the agent if the proposed stables can be relocated to where the existing stables (to be demolished) are located. The agent advised that moving the proposed stables to the location of the existing stables is an issue for the welfare of the donkeys as the existing stables would have to be demolished first. It is not possible to move the donkeys without causing them stress (the last vet visit in a horse box ended up with one of them getting injured), they also need shelter, be it from sun or rain. This would leave the donkeys with no stable/tack/food room during demolition and rebuild.

It is considered that changing the proposal from the demolition of existing sheds, barn and stables and rebuilding of stables and 3 new barns, to the demolition of an existing shed and stables and proposed stables, reducing the width and length of the stables from 13.9 metres to 11.2 metres, reducing the depth of the stables from approximately 4.75 to 3.6 metres and reducing the ridge height of the proposed stables from approximately 3.6 to 3.3 metres. The siting of the proposed stables has changed, so they would be located between approximately 7.3 and 9.7 metres from the southern boundary of the site. It is considered that the above changes have brought the proposal

within the realms of acceptability.

The height and size of the proposed stables have been reduced, which represents an improvement. It is noted that the demolished buildings have a combined volume of 294m³ and the proposed stables have a volume of 245m³, which results in a decrease in volume of 49m³ and therefore, they would not adversely affect the openness of the Green Belt. In addition, the boundaries of the site are well screened, which would help to mitigate the impact of the proposal.

Mindful of the location of the site within the Metropolitan Green Belt, it is considered reasonable to impose a condition requiring the stables only be used for purposes incidental to the enjoyment of the dwelling house for the stabling of horses and donkeys and not for any trade or business nor as living accommodation, as any diversification may result in additional impacts on the openness of the Green Belt beyond that currently envisaged, which would require further consideration. A restriction to incidental use is in line with the applicants stated intentions for the use of the stables.

DESIGN/IMPACT ON STREET/GARDEN SCENE

It is considered that the proposed stables would not be harmful to the streetscene, as they are single storey and there is established soft landscaping on the front and side boundaries of the site, which would provide some screening. The application form states that the proposed materials are brick walls and clay plain tiles and these will be secured by condition if minded to grant planning permission.

IMPACT ON AMENITY

It is considered that the proposed stables would not be harmful to neighbouring amenity, as they would be well separated from neighbouring properties.

HIGHWAY/PARKING

It is considered that the proposal would not create any highway or parking issues.

TREES

The site falls within the Metropolitan Green Belt, the Thames Chase Community Forest and a Site of Nature Conservation Importance (SINC). The Planning Policy Department submitted the following consultation response for the planning application, P1068.23. The applicant will need to submit an Arboricultural survey (even if trees and hedges are not removed or pruned, they will need protection during construction), a preliminary ecological appraisal (PEA) and potentially protected species surveys depending on the PEA findings. The buildings may support bats and nesting birds. The PEA should include an assessment of whether badgers use the site and land adjacent to the site.

The site is located within a Site of Nature Conservation Importance (SINC). A biodiversity (Ecological) Survey and report has not been submitted.

In comparison with application P1068.23, the siting of the proposed stables has changed, so they

would be located between approximately 7.3 and 9.7 metres from the southern boundary of the site. The supporting statement states that "The siting of the proposed stables will be far enough away from the rear boundary to avoid damaging tree roots".

The application form states that there are trees or hedges on the proposed development site. The plans show hedges of Leylandii and mainly Leylandii and some other trees within and adjacent to the site. The proposed stables would be located approximately 3 metres from the Leylandii and approximately 6 metres from the trunk of the nearest tree adjacent to the southern boundary of the site.

Taking into account the information above, it is considered that the proposal would not result in material harm to the trees on the site. It is considered that there are insufficient grounds to refuse this application solely on ecology grounds and in the absence of a biodiversity (Ecological) Survey and report.

KEY ISSUES/CONCLUSIONS

The proposed development is deemed to be acceptable in principle and would not be materially harmful to the character and openness of the Green Belt. It is considered that the proposed development would be acceptable in terms of its impact on the street scene, would not result in significant harm to neighbouring amenity or create any highway and parking issues and would not be materially harmful to the trees on the site. Accordingly, it is recommended that planning permission be granted.

Therefore, it is recommended that planning permission be approved.

RECOMMENDATION:

It is recommended that **planning permission be GRANTED** subject to the following condition(s)

1 SC4 (Time limit) 3yrs

The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason:-

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2 SC10C Materials as per application form

The proposed development hereby approved shall be constructed in accordance with the materials detailed under the Materials Section of the application form unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area.

3 SC32 (Accordance with plans)

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

Reason:-

For the avoidance of doubt and to ensure that the development is carried out as approved.

4 Demolition of the existing shed and stable

Within one month of the completion of the proposed stables hereby approved, shed 3 and the existing stables shown on the plans including the Proposed Site Block Plan on Drawing No. 002 Revision A shall be demolished in their entirety and all material arising there shall be permanently removed from the site.

Reason: To protect the character and openness of the Metropolitan Green Belt.

5 SC33 (Incidental Use)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 the stables hereby permitted shall be used only for purposes incidental to the enjoyment of the dwelling house for the stabling of horses and donkeys and not for any trade or business nor as living accommodation.

Reason: To ensure that the proposed use is appropriate in the Metropolitan Green Belt in accordance with the NPPF and London Plan.

INFORMATIVES

1 Approval - No negotiation required

Statement Required by Article 35(2) of the Town and Country Planning (Development Management) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraph 38 of the National Planning Policy Framework.

Authorising Officer:



Neil Goate

9th August 2024