



# REGULATORY SERVICES COMMITTEE

5 December 2013

# REPORT

**Subject Heading:**

P1072.13 – Tomkyns Manor, Tomkyns Lane, Upminster – Retention of building to be used as stables and agricultural storage of hay, straw and machinery and an access road (Application received 2 September 2013)

**Report Author and contact details:**

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**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy Framework  
None

**Financial summary:**

**The subject matter of this report deals with the following Council Objectives**

Ensuring a clean, safe and green borough	<input checked="" type="checkbox"/>
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input type="checkbox"/>
Value and enhance the life of our residents	<input type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

## SUMMARY

This report concerns an application for the retention of a building to be used as stables and agricultural storage of hay, straw and machinery and for the retention of an access road. Staff consider that the proposal would be for appropriate development in the Green Belt in accordance with green belt, environment and transportation policies contained in the LDF Core Strategy and Development Control Policies Development Plan Document.

## RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 211m<sup>2</sup> and amounts to £4,220.

It is recommended that planning permission be granted subject to the following conditions:

1. Time limit to complete works: The internal layout indicated on the approved plans Drawing No. 09.1342/P202 Rev F shall be completed within 3 months of the date of grant of planning permission

**Reason:** A previous use was made of the building which did not accord with the then approved plans (Planning Ref: P0080.07) and the current proposal is to revert back to the previously approved use within the time period indicated in the related Enforcement Notice. Works have been partly implemented.

2. Approved layout retention: Once the internal layout has been completed in accordance with the approved plans drawing no. 09.1342/P202 Rev F, the approved layout shall remain in perpetuity to the complete satisfaction of the Local Planning Authority.

**Reason:** To ensure that the layout remains compatible with the approved use of the building for stables, agricultural vehicle storage and hay/straw loft.

3. Restriction of use: Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended, the use of the barn building hereby permitted shall not be other than for 6 no. stables, tack room, feed room grooming/wash down area, WC and storage area for

agricultural machinery on the ground floor and for hay and straw storage in the loft/mezzanine area.

**Reason:** To ensure that the proposed use is appropriate in the Metropolitan Green Belt in accordance with Policy DC45 of the LDF Core Strategy and Development Control Policies DPD.

## INFORMATIVES

1. The application site does not include the manorial waste land between Tomkyns Lane and the application site and no works to the manorial waste can be authorised pursuant to this planning application. The Manorial Waste at Tomkyns Lane is Common Land protected under separate legislation (to the Planning Acts). Under Section 38(1) of the Commons Act 2006 “*A person may not, except with the consent of the appropriate national authority, carry out any restricted works on land to which this section applies*”. The Common Land at Tomkyns Lane is such land so protected under Section 38 of the Commons Act 2006. Authority is therefore required from the Secretary of State in this case to carry out restricted works, which includes resurfacing of land.
  
2. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

### REPORT DETAIL

#### 1. Site Description

- 1.1 The application site forms part of Tomkyns Manor which comprises a dwellinghouse and domestic outbuildings towards the northern boundary of the site and open fields to the south. The fields are used in part for the grazing of horses and there are two horse field shelters to the western boundary of the site. The total site area is 5.92 hectares.
  
- 1.2 Planning permission was granted in March 2007 for an “Essex-style” barn to provide stables and a hay loft in a similar position to the barn building which is the subject of this planning application. The constructed building, which is of the “Essex Barn” style, was however fitted out with 3 stables and a two-bedroom flat with new picture windows fitted with other external changes to the appearance of the building, such that it did not accord with the approved plans. At the time of the site visit in relation to the current application most of the fittings for the flat had been removed, including internal separating

walls, and the picture windows had been replaced with ship-lap timber boarding to match the existing building.

- 1.3 There are two access roads connecting the barn to the highway to Tomkyns Lane which runs north/south along the eastern boundary of Tomkyns Manor. One of these, the one running south to an existing gate, is also included for consideration as part of the current application; the other being accepted as lawful.
- 1.4 The site is within the Metropolitan Green Belt and land levels slope to the south across the site and beyond the site boundaries. There is an extensive tree screen to the eastern boundary with Tomkyns Lane, as there is to the other boundaries of the application site.

## **2. Description of Proposal:**

- 2.1 The proposal is for the retention of the erected building to be used as stables and agricultural storage of hay, straw and machinery and for an access road. The building is of an "Essex Barn" style and is 23.5m long, 9.75m wide with a half-hip pitched roof with a ridge height of 6.65m above ground level. It is located to the southern part of the application site, approximately 190m from the Manor Building and approximately 80m from the southern boundary/gate, some 21m from the eastern boundary with Tomkyns Lane.
- 2.2 The existing hardstanding area adjacent to the eastern elevation of the barn would provide parking for 4 vehicles and/or a horse box.
- 2.3 The southern vehicular access proposed to Tomkyns Lane would effectively provide the barn with an in/out access onto the lane.

## **3. History:**

- 3.1 P2206.06 – Erection of Essex barn for stables and agricultural use –  
Withdrawn  
P0080.07 – Erection of Essex barn for stables and agricultural use -  
Approved  
P0159.12 – Retention of building with mixed use comprising 2-bed flat (or holiday letting) and 3 stables together with private access drive and parking area - recommended for refusal on 5/4/13; withdrawn by applicant 5/4/13.  
P0658.12 - invalid application; withdrawn invalid 16/7/13  
P0751.12 - invalid application; appeal against decision by LPA not to validate application; appeal withdrawn 16/04/13
- 3.2 An enforcement notice (ENF/617/09/HW) was served on 24/8/12. A subsequent appeal against the enforcement notice was dismissed on 31/5/13. This is currently the subject of a High Court appeal.

## **4. Consultations/Representations**

- 4.1 The occupiers of 28 adjoining/nearby properties have been notified of the application. An advertisement has been placed in a local paper and a site notice has been posted. No responses have been received.
- 4.2 The Metropolitan Police Design Advisor, Thames Water (sewerage infrastructure) and The London Fire and Emergency Planning Authority have written indicating that they have no objections to the proposal, providing a pump applicant of 12.5 tonnes rather than 14 tonnes is used.
- 4.3 Highways have no objection but suggest that the hedgerow is cut back at the vehicular access to improve visibility.

## **5. Relevant Policies**

- 5.1 Policies DC45, DC61 and DC33 of the Core Strategy and Development Control Submission Development Plan Document are relevant. Policies 3.19, 6.13, 7.4, 7.16 and 8.3 of The London Plan also apply; as does the relevant section(s) of the National Planning Policy Framework.

## **6. OFFICER'S COMMENTS:**

- 6.1 The issues in this case are the principle of the development, the impact of the development in the street scene, the impact on the metropolitan green belt and on the amenities of nearby residential occupiers and highways/parking issues.
- 6.2 *Principle of development:*
- 6.2.1 The proposal is to retain the building to be used as stables and agricultural storage of hay, straw and machinery and for an access road in the green belt. Since the previous consent was granted in 2007, the National Planning Policy Framework (NPPF) has been adopted replacing PPG2 Green Belts.
- 6.2.2 The NPPF indicates under the title, "Protecting Green Belt land", at paragraph 79 that, The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. And at para 80 that the Green Belt serves five purposes:
- to check the unrestricted sprawl of large built-up areas;
  - to prevent neighbouring towns merging into one another;
  - to assist in safeguarding the countryside from encroachment;
  - to preserve the setting and special character of historic towns; and
  - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 6.2.3 At Para 87. the NPPF indicates that "As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances." And at para.

88. "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, is clearly outweighed by other considerations.

6.2.4 At para 89. the NPPF indicates that "A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are (among others):

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;

6.2.5 While the building is to be retained, it does not currently have the benefit of planning permission as it does not accord with the original planning approval. As previously, national policy in the form now of the NPPF indicates that new buildings are inappropriate in the green belt, nonetheless it recognises that buildings for agriculture and provision for appropriate facilities for outdoor sport and recreation are acceptable as an exception to policy.

6.2.6 The proposal is for a building which provides for agricultural storing of hay and straw and stables for outdoor sport and recreation. As previously in 2007, Staff therefore consider that the proposed building and the use of the building would be acceptable as an exception to the general policy against new buildings in the green belt. It is nonetheless reasonable that some assurance is sought from the applicant that the approved use will be implemented and suitable conditions are therefore proposed to be attached to any grant of planning permission.

6.2.7 The proposal also includes the retention of an access road. While Staff do not consider it absolutely necessary for a barn to have an in/out facility, the proposed access road would be provided from an existing vehicular access onto the highway and would enable vehicles entering and leaving to use the two different single track ways to the highway. Staff therefore consider that the proposed access would therefore be acceptable.

6.3 *Impact on the green belt/in the street scene:*

6.3.1 The building is substantial and is located in a position where it is far removed from existing development to the north of the application site and not in a location previously containing any built form. The proposal therefore results in a significant loss of openness in the green belt.

6.3.2 The British Horse Society recommends that each stables should be a minimum of 3m by 3.7m and have a height of between 2.7 and 3.4m according to the size of the horse. And also that any associated structures such as tack rooms, food/bedding stores and manure bays should be

appropriate to the scale of the stable(s). The stables would each be 3.6m by 4m and would be over 3m high.

- 6.3.3 A minimum of 0.4ha per horse should be available for grazing fenced off from a separate area for exercise and there should be a safe and convenient access to the grazing area. The site area overall is 5.92 hectares. Although a proportion of the land is dwelling and ancillary residential including the residential curtilage, the majority of the site is open and could be suitable for grazing of around 10 horses.
- 6.3.4 The proposed access road would, extend from an existing vehicular access to the south-eastern corner of the application site and would introduce hardstanding on part of the site where there was previously none. It is considered that as part of the proposal, it would have a neutral impact on the open character of the green belt.
- 6.3.5 The proposed development is located well within the applicant's site boundaries and, given the high level of screening, is not easily visible from streetscene views. The proposal is nonetheless for a similar Essex barn to that previously considered (in 2007) to be an appropriate form of development in the green belt where such buildings are part of the rural vernacular.
- 6.3.6 Staff therefore consider that the building would be of a suitable size for the number of horses proposed to be catered for and in character in the locality.

#### 6.4 *Impact on Residential Amenity:*

- 6.4.1 The barn would be used for stabling horses and agricultural storage of hay/straw. Given that the barn is located some 80m from its southern boundary and that the nearest residential property is located beyond that, Staff consider that any noise and general disturbance from the use of the building for the purposes indicated would be unlikely to cause significant harm to residential amenity.

#### 6.5 *Car parking/highways issues:*

- 6.5.1 Annex 5 of the Core Strategy and Development Control Policies Development Plan Document does not have a specific parking requirement for the uses proposed, nonetheless 4 parking spaces would seem reasonable for the 6 stables proposed. Tracking details submitted indicate that a horsebox can enter and leave the site in forward gear and apart from a suggestion to keep hedging at the vehicular access onto the highway cut back to enable better visibility, there are no highways objections to the proposal.

### 7. *The Mayor's Community Infrastructure Levy*

- 7.1 The proposal is for the retention of the barn building. As it does not have the benefit of planning permission, it is liable for the Mayoral CIL. This is

calculated on the basis of £20 per square metre. The barn has a floorspace of 211 sq.m and the liability is therefore assessed as £4,220. This is subject to indexation and, as it relates to a constructed building, will be due immediately on receipt of the planning approval.



## **8. Conclusion:**

- 8.1 The building and the proposed use of it is considered to be acceptable as an exception to the general national policy against new buildings in the green belt, as indicated in the NPPF. The proposal is therefore acceptable and in accordance with Policy DC45 of the LDF Core Strategy and Development Control Policies DPD, subject to conditions requiring the works to be undertaken in accordance with the approved plans and the works and use retained in perpetuity. Staff consider that while the building does have an impact on the open character of the green belt that as it is an acceptable use and the building would be characteristic of the local “Essex” vernacular, that this impact would not be unacceptable. Staff do not consider that there would be any loss of residential amenity nor any highways/parking issues. Staff therefore consider that the proposal would be acceptable as it would not result in long term harm to the reasons for including the land within the Green Belt.

## **IMPLICATIONS AND RISKS**

### **Financial implications and risks:**

None

### **Legal implications and risks:**

None

### **Human Resources implications and risks:**

None

### **Equalities implications and risks:**

There are no equalities or social inclusion implications

## **BACKGROUND PAPERS**

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions and Standard Green Belt reason for refusal.
5. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
6. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
7. The relevant planning history.