

PLANNING COMMITTEE 2 AUGUST 2012

Present :- Councillor Theresa Higgins* (Chairman)
Councillors Nick Barlow*, Nigel Chapman,
Peter Chillingworth*, Helen Chuah*, John Elliott*,
Stephen Ford, Sonia Lewis*, Michael Lilley,
Jackie Maclean, Jon Manning* and Laura Sykes*
Substitute Member :- Councillor Peter Higgins for Councillor Nigel Offen

(* Committee members who attended the formal site visit.)

34. Minutes

The minutes of the meeting held on 5 July 2012 were deferred for confirmation that the wording of the Section 106 Agreement contribution for the bridge contained within minute no.24 reflected the recommendation, and for a response for a proposed alternative minute format. The minutes of the meeting held on 19 July 2012 were confirmed as a correct record.

35. 120484 Land at Meadow Green Farm, Mount Bures Road, Wakes Colne

The Committee considered an application for the formation of a stud farm comprising a change of use of land and redundant livestock building to equestrian use, minor alterations to the building to form stabling, provision of manege, minor extension of existing access track and the siting of a temporary mobile home for a Stud Farm Manager, together with the diversion of public footpath no. 34, currently shown to pass through an established building. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

The Committee made a site visit in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

Mark Russell, Principal Planning Officer, attended to assist the Committee in its deliberations.

Mark Graham addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He was representing Mount Bures Parish Council and Wakes Colne Parish Council because the application site was in both parishes. Both parish councils strongly objected to the mobile home, which would be a precursor to a permanent dwelling, and they also strongly objected to the proposed footpath regime, on the basis that walkers would probably not use footpaths which traversed an animal husbandry facility. The parish councils also took the view that the proposed use of the buildings would constitute over-development and that there could be horses of both sexes in adjoining fields because other stud farms abutted this site.

Ted Gittins, agent, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The applicant was an experienced and respected breeder who wanted to base his enterprise here. The site would provide stables and a barn with mixed agricultural/equestrian use and the footpath would be re-routed and reconnected. The financial test required a temporary home to establish that the business was viable. The National Planning Policy Framework (NPPF) made no distinction between types of rural workers. If the existing policy was strictly applied it would result in a refusal which was not supported by the NPPF. He considered it harsh to refuse this proposal which had the potential to produce rural employment. He hoped that members would accept that the countryside is open for business for all rural workers.

Members referred to the long planning history and the more recent sub-division of the site. This parcel was 34 acres and the most recent approved application was for a Dutch barn for agricultural use, which set the scene for the current application.

There appeared to be a conflict between the Local Development Framework and the NPPF. There were two issues:- whether the NPPF overrides DP24, and whether there was an essential need for a worker to remain on the site. The Local Development Framework referred only to permanent dwellings, unlike Annex A to PPS7 which gave discretion to give temporary consents to establish viability; this appeared to have been overlooked or omitted from the NPPF. However, Annex A of PPS7 had been cancelled which had left a gap which was unhelpful to the local authority or the consultants, and the policy team and the barristers had failed to agree.

A pragmatic approach would be to revert back to Annex A which set out what an essential need was until the gap was filled, either by new policies or by national guidance. In regard to any essential need it was considered that this could be a second reason for refusal if the application was to be refused. In view of the disagreement between consultants on the financial test it was considered that it should be left to an Inspector to determine because the Planning Committee was not in a position to overrule officers. The Committee therefore should follow officer advice to refuse the application and if the applicant felt strongly the application could be decided at an appeal.

RESOLVED (UNANIMOUSLY) that the application be refused on the grounds as set out in the report.

36. 100927 Land to the rear of 19 and 21 Empress Avenue, West Mersea

The Committee considered an application for an extension of time for the implementation of outline planning permission O/COL/05/1024 for a proposed new bungalow with a detached garage on plot 1. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

RESOLVED (UNANIMOUSLY) that –

- (a) Consideration of the application be deferred for completion of a Unilateral

Undertaking to provide for a contributions towards Open Space, Sport and Recreational Facilities, and Community Facilities in accordance with the Council's Supplementary Planning Documents.

(b) Upon receipt of a satisfactory Unilateral Undertaking, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report and on the Amendment Sheet.