

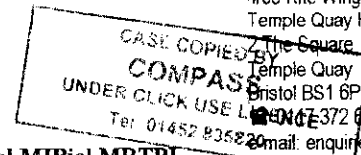
Appeal Decision

Site visit made on 25 October 2004

by **Chris Frost** BSc(Hons) DipLD FLI CBiol MIBiol MRTPI

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
Tel: 01452 853220
email: enquiries@planning-inspectorate.gov.uk



Date

11 NOV 2004

Appeal Ref: APP/J1535/A/04/1149513

Thornwood Camp, Carpenters Arms Lane, Thornwood, Epping, Essex CM16 6LR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr N Stevens against the decision of Epping Forest District Council.
- The application Ref EPF/1007/03, dated 20 May 2003, was refused by notice dated 12 November 2003.
- The development proposed is for 2 fishing lakes, a storage building and car parking.

Summary of Decision: The appeal is allowed and planning permission granted subject to conditions set out in the Formal Decision below.

Procedural Matters

Main Issues

1. The main issues are: a) whether the proposed development would be harmful to the Green Belt, including its appearance and character; b) whether adequate provision would be made to retain wildlife interest on the site; c) whether the living conditions of nearby residential occupiers would be harmed as a result of noise and disturbance and a loss of security; and d) whether the proposal would adversely affect the performance of existing flood attenuation measures.

Planning Policy

2. The statutory development plan includes the Essex and Southend-on-Sea Replacement Structure Plan adopted in 2001, read together with the Epping Forest District Local Plan adopted in 1998. My attention has been drawn to the following Structure Plan policies: CS2 (protecting the natural and built environment); C1 & C2 (Green Belt); NR1 (landscape conservation); NR6 (nature conservation); and LRT4 (informal countryside recreational areas). The Local Plan policies I have been directed to are: GB1, GB2 & GB7 (Green Belt); NC4 & NC5 (nature conservation); RST1, RST2, RST6, RST15 & RST22 (recreation, sport and tourism); U2 & U3 (flooding and surface water drainage); DBE2 (buildings and their impact on neighbours); DBE9 (change or intensification of use and its impact on neighbours) LL1, LL2, LL3 & LL6 (landscape); and T14 & T17 (transport).

Reasoning

Green Belt

3. The primary purpose of the proposals is to provide a new outdoor recreational facility (fishing lakes) in the Green Belt. This is appropriate Green Belt development as set out in

PPG2. The proposal includes the erection of a new storage building that is intended to house a boat and other water and landscape maintenance equipment. I do not regard this building as excessive in relation to its stated function and accept that it would provide an essential facility at a scale commensurate with its function that would be entirely related to the proposed outdoor recreational use. Accordingly, it would not represent inappropriate Green Belt development and similarly the proposed car parking would provide an essential facility related to the proposed use of the site. As 20-25 anglers are likely to be present on match fishing days the provision of 29 car parking spaces would be generous but this provision does not appear excessive or beyond the scope of the definition of essential.

4. The proposed building would be contained by a substantial area of planting that would include indigenous species. In this context, subject to the approval of its design, I do not consider that it would cause any unacceptable harm to the visual qualities of the Green Belt. The car parking area would also be partly contained by planting and in other respects the development would preserve the openness, visual qualities and appearance and character of the Green Belt. Accordingly, I find no conflict with the relevant Green Belt policies.

Wildlife Interest

5. The site has been reclaimed from its previous use as a piggery on the site of a former army camp to provide new areas of wildlife interest that are being managed. This is a requirement of a condition attached to a planning permission granted on appeal for nearby residential development (7 houses) within the Green Belt at Teazle Mead. The management plan aims to create areas of grassland, including a conservation meadow, ponds and a greenway along with indigenous tree and shrub planting. The Council consider that the wildlife benefits of these areas form an essential part of the rationale of the decision to allow residential development in the Green Belt and that the objectives envisaged should not be compromised. In its view the proposed development would reduce currently available habitats for existing wildlife on the site and replace them with less valuable ones.
6. The proposed scheme would create new habitat in the form of the lakes with their marginal shelf vegetation, smaller ponds for invertebrates and amphibians, conservation meadows, grazed grassland and indigenous tree and shrub planting. While the scheme would erode the extent of the area that is to be developed as a conservation meadow under the existing management plan, areas of similar habitat are proposed along with the areas of new habitat. I am satisfied that sufficient grassland habitat would be created to compensate the reduced extent of the conservation meadow that is to be developed as part of the existing management plan. Overall, I find no reason to question the ability of the proposed scheme to provide a considerable amount of wildlife interest, even though heavily stocked fishing lakes used for angling would bring fewer wildlife benefits than would more conservation orientated lakes. Furthermore, while the Council places emphasis on the retention of grassland in preference to the creation of water bodies and would clearly prefer to leave things as they are, I do find that there is an overriding reason to suggest that the range and quality of habitat that would be created with the existing management plan should be given preference to the different but none the less positive wildlife objectives that are now sought. Accordingly, I conclude that adequate provision would be made to retain wildlife interest on the site.
7. In terms of policy I consider that the quality of the natural environment would be maintained and conserved in accord with Structure Plan policy CS2 and policies NR1 and

NR6 would be respected. The creation of this informal countryside recreation area would adequately conserve features of nature conservation and landscape importance as required by policy LRT4. Local Plan policies further define matters to be considered in relation to impact on the natural environment but on the basis that a new management plan would be approved for the development, I find no conflict with the relevant policies.

Living Conditions

8. Residents in Carpenters Arms Lane and Teazle Mead are concerned that the additional traffic that this development would generate would create additional noise and disturbance. I accept that the development would lead to the creation of additional vehicular activity along this cul-de-sac. However, the proposed car park is relatively well separated from Teazle Mead, so the main sources of noise and disturbance are likely to arise from the use of the access, which is gated at two points. One of these is an electronic gate which I observed in operation and found it to be relatively silent. The other is currently an agricultural style metal gate at the site boundary. This latter gate could cause noise if unlocked and allowed to slam shut. In the early mornings I accept that this would not be welcome by residents. However, if an electronic gate were installed here I consider that any potential problems would be sufficiently addressed and this provision could be approved following the imposition of a suitable condition. I also note that a condition is suggested to restrict the use to daylight hours. In these circumstances and bearing in mind the limited amount of traffic that is likely to be generated, I do not consider that material harm to the living conditions of residents, or the level of highway safety would be likely to arise. I find no reason to support the view that the security of residents would be compromised by the development. Accordingly, the proposal would not result in conflict Local Plan policy DBE9 that seeks to protect residential amenity.

Flooding

9. Adjacent to the site is an area used for the storage of flood water and the site itself is within the catchment area of this flood storage reservoir. The Council fears that the performance of this flood attenuation asset would be adversely affected by the scheme. However, since the Council took its decision a flood risk assessment has been completed and I am satisfied with its conclusion that the development would not prejudice the operation of the existing Thornwood Common Flood Storage Reservoir. Accordingly, there would be no conflict with Local Plan policy U3.

Conditions and Obligations

10. The Council suggests that a Planning Obligation is required to ensure the reinstatement of a public footpath across the site and to provide public access to the whole area of the site. The appellants dispute the need for an obligation and say they have no intention to exclude walkers from the site. I do not consider that granting planning permission for this development would prevent any right of access to any public footpath and am content that informal public access is likely to become available as it would be difficult to prevent. Accordingly, there is no reason to attempt to secure this by means of an obligation.
11. The Council has given no reasons to support the conditions suggested and the need for some of them is disputed by the appellants. I consider that a condition relating to the use of advertisement signs is unnecessary as these matters are controlled by advertisement

regulations. Approval of the details of the proposed storage building is necessary in the interests of visual amenity. A flood risk assessment has been prepared, but a condition is necessary to enable this to be approved by the Council. As the land has been previously developed a contamination study is required. As extensive earth moving is required wheel washing is required to limit mud on roads. Limiting the use of the site for fishing and car parking to the hours of daylight is necessary in the interests of residential amenity. Landscape details have already been provided but conditions are necessary to ensure their approval and implementation. While some details of the intentions regarding earthworks have been provided full details need to be submitted and approved by the Council to ensure that an acceptable appearance is achieved and existing vegetation is protected where necessary. I consider that approval of the proposed Landscape Management Plan is necessary in the interests of landscape and nature conservation interest. Details of the proposed hard surfaces have been provided and further approval is not necessary. However, a condition should cover the installation of suitable vehicular access gates in the interests of preserving residential amenity. Limiting the hours of work and lorry movements during construction is necessary in the interests of residential amenity.

Conclusions

12. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Formal Decision

13. In exercise of the powers transferred to me, I allow the appeal and grant planning permission for 2 fishing lakes, a storage building and car parking at Thornwood Camp, Carpenters Arms Lane, Thornwood, Epping, Essex CM16 6LR, in accordance with the terms of the application Ref EPF/1007/03, dated 20 May 2003, and the plans submitted therewith, subject to the following conditions:
 - 1) The development hereby permitted shall begin before the expiration of five years from the date of this decision.
 - 2) No development shall take place until details of the design of the storage building and the types and colours of its external finishes have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accord with the approved details.
 - 3) No development shall take place until a flood risk assessment has been submitted to and approved in writing by the Local Planning Authority and any measures identified therein shall be implemented as approved.
 - 4) No development shall take place until a desktop study relating to land contamination has been carried out and submitted to the Local Planning Authority. Any further study or subsequent details of any works required shall be submitted to and approved in writing by the Local Planning Authority. Any works required shall be completed as approved.
 - 5) No development shall take place until details of wheel washing and vehicle cleaning facilities and their method of use have been submitted to and approved in writing by the Local Planning Authority. Construction shall thereafter proceed in accord with the approved details.

- 6) No development shall take place until details of the type of access gates to be installed have been submitted to and approved in writing by the Local Planning Authority and the approved gates shall be installed prior to the commencement of the use of the site by anglers.
- 7) The fishing lakes and car park shall not be used outside the hours of daylight.
- 8) No development shall take place until details of the landscape scheme and the timing of its implementation have been submitted to and approved in writing by the Local Planning Authority and the scheme shall be implemented as approved.
- 9) No development shall take place until a Landscape Management Plan that shall include design and nature conservation objectives has been submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall be carried out as approved.
- 10) No development shall take place until details of the proposed earthworks including finished contours and the protection of existing vegetation during construction have been submitted to and approved in writing by the Local Planning Authority. The works shall completed as approved.
- 11) Construction work shall take place only between the hours of 07:00hrs and 18:00hrs Monday to Friday (except on Bank Holidays) and 07:00hrs and 12:00hrs on Saturday. Any heavy lorry movements to the site shall be restricted to these times and shall be limited to 3 such movements in any one day.



Inspector