



**Department of the Environment and
Department of Transport**

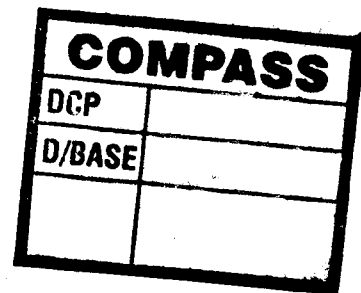
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Your reference

GVH/ABS/PH.129

Our reference

T/APP/J1535/A/85/033113/P2

Date

20 JUN 1986

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY L H HUNT LTD
APPLICATION NO: EPF/1304/84

1. As you know I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Epping Forest District Council to refuse planning permission for development of an interpretation centre and sales area relating to agriculture and countryside tourism at Epping Bury Fruit Farm, Upland Road, Epping Upland, Essex. I held a local inquiry into the appeal on 22 and 23 April 1986.
2. The appeal site is located immediately east of Takeleys Manor in the small settlement of Epping Upland, some 1½ miles north west of Epping. It forms part of a 900 acre farm owned by the appellant which, though mostly arable, includes some 50 acres of soft fruits and vegetables developed since 1979 as a Pick Your Own facility named Epping Bury Fruit Farm. The appeal building, part of a complex of farm buildings, is a 4,482 sq ft shed hitherto used for storage of agricultural equipment and the sale of produce grown on the farm, and one third of the floorspace would continue to be used for these purposes. The other two thirds are proposed to be used for the interpretation centre and the sale of products associated with agriculture and the countryside. The site, and indeed the whole area covered by the draft Epping and Ongar Local Plan, lies within the approved Metropolitan Green Belt.
3. From my site visit and from the evidence presented at the inquiry, it appears that there are 2 principal issues, firstly, whether there are any special circumstances to justify an exception to the normal presumption against development in the green belt and, secondly, whether the proposal would have a detrimental effect upon the amenities of local residents. Although evidence was presented for your clients in respect of highway and traffic matters, the council raised no objection on grounds of highway safety and I do not therefore consider this an issue for me to determine.
4. Policy S9 of the approved Essex Structure Plan and policies GB1, GB2 and GB3 of the draft Epping and Ongar Local Plan provide a context of firm control over development in the green belt. These clearly reflect government policy for the green belt as expressed in Circular 14/84. However, I accept that in interpreting and applying these policies, the council should have regard to other government policies, notably the encouragement of enterprise and development as expressed in Circulars 22/80, 14/85 and 2/86, and the changing policies in respect of agriculture and the countryside.

5. As a response to structural surpluses of many agricultural products and the consequent downward pressure on farm incomes, government policy has placed increasing emphasis on diversification of farm businesses and rural enterprises, including through farm tourism. In addition, through the 1981 Wildlife and Countryside Act and the Agriculture Bill currently before Parliament, much greater emphasis is now placed upon the conservation and enhancement of the natural beauty and amenity of the countryside and the promotion of its enjoyment by the public.

6. You have argued, and the council accepts, that your clients have also found it necessary to diversify the activities on the farm, and the establishment of the Pick Your Own unit in 1979 was part of that diversification. However, I recognise that the fruit farm is currently only breaking even, and further diversification is necessary in the interests of long term viability. Your clients have chosen to approach this through countryside tourism, and I note that a number of measures have already been taken in this direction, including creation of a nature trail, open days and establishing links with schools and conservation bodies and that the fruit farm is currently listed as a tourist attraction in a publication by the County Council's Tourism Unit (Document 17). This appears to me to reflect the increasing recognition, for example by the House of Commons Environment Committee (Document 19), of the role of recreational uses including Pick Your Own Farms as acceptable means of achieving the open countryside objectives of green belt policy.

7. The council's own policies as expressed in its draft Local Plan indicate acceptance that provision of recreational opportunities for town dwellers in the countryside is an important function of the Green Belt. Policy RT16 supports the provision of visitor facilities on farms. The proposed interpretation and sales centre would in my view provide recreational and educational facilities aimed at promoting understanding and enjoyment of the farm and of the countryside. The council conceded that without the sales element, the interpretation centre could be accepted as being in accordance with its policies, although it queried whether the building was in fact redundant for agricultural purposes. However, in my view the fact that two thirds of the building was surplus to needs for storage of agricultural equipment and sale of produce from the holding indicates that it can reasonably be considered as a redundant building in terms of Policy RT16.

8. The council's principal objection concerns the proposed use of 20% of the building's floorspace for the sale of food and non food products brought in from outside, which in its view constitutes a retail use contrary to Green Belt policy and to Shopping Policy SH17. It was further concerned at the potential effect of expansion of this element. However, I am satisfied that the off holding sales element would be of a specialised nature and would form part of an overall package with the interpretation centre aimed at enhancing the experience of visitors to the farm and providing a souvenir of that visit, and that it is no part of your clients' proposal to develop retail sales independently. I nevertheless share the council's concern at the potential for intensification of this retail element and the practical difficulties of controlling this notwithstanding that a material change of use may occur. I therefore consider that if the proposal is to be permitted it should be subject to conditions that would prevent intensification or separate retail operations so as to avoid damage to the green belt. These should limit the floorspace devoted to sale of items not originating on the holding to the 900 sq ft (20% of total floorspace) currently proposed by your clients. I also consider that sale of such goods should be permitted only at times when the interpretation centre is open to visitors. However, I am not convinced that it would be reasonable, or indeed enforceable, to impose a condition limiting the sale of food to that connected with the fruit farm or with the interpretation of it.

9. Turning to the second issue, it is clear that the Pick Your Own facility already attracts substantial numbers of people and cars at peak weekends during

the season and that this has a visual and aural impact upon the adjoining residential occupiers and to a lesser degree upon the countryside as a whole. The car park can be seen from parts of Epping. Nevertheless, I recognise that the interpretation centre is intended primarily to provide improved facilities for those already visiting the Pick Your Own unit and I am not satisfied that there would be a substantial increase in the number of visitors at peak times such as to cause a significant further loss of amenity. The car park has capacity for 250 cars, which could be increased, and it was accepted by the council that access to the site was satisfactory. I note also that the entrance to the visitor car park had been resited further to the east at the request of Mr Sturrock who appeared as an interested person.

10. I accept that the farm occupies a sensitive site in open countryside. But the proposal involves use of a redundant building in an existing complex of farm buildings. No new buildings nor loss of agricultural land is involved. I also recognise that your clients have acted as careful custodians of the site - improving the building with weatherboarding, planting trees and flowers, establishing a nature trail, a guided walk and providing a new public footbridge over Cobbins Brook - and that it is in their own interests to maintain the fruit farm as an environmental asset in the Green Belt. I do not believe that the proposed interpretation centre and sales area would significantly affect this position. However, while I accept that landscaping has been part of the normal activity of the farm, I consider a condition should be imposed requiring screening with trees or hedgerows along the southern edge of the car park in order to reduce its intrusiveness when viewed from Lindsey Street across the valley, particularly in the event of it being enlarged on its southern side.

11. In conclusion, I have found that the proposed interpretation and sales centre attached to Epping Bury Fruit Farm would be in large part compatible with both local and national policies for the Green Belt and would make a positive contribution to its recreational value. Consequently I propose to allow this appeal and grant planning permission subject to conditions.

12. I have considered all the other matters raised in the representations, including the possible impact of visitors staying longer at the farm, but they do not outweigh the factors that have led to my decision.

13. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for development of an interpretation centre and sales area relating to agriculture and countryside tourism at Epping Bury Fruit Farm, Upland Road, Epping Upland, in accordance with the terms of the application (No. EPF/1304/84) dated 30 October 1984 and the plans submitted therewith, subject to the following conditions:

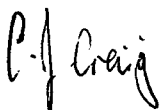
1. the development hereby permitted shall be begun not later than 5 years from the date of this permission;
2. no more than 900 sq ft or 20% whichever is the greater, of the floorspace of the building shall be used for the sale of goods produced other than on the holding;
3. goods other than those produced on the holding shall not be sold except at times when the interpretation centre is open to visitors;
4. no development shall take place until there has been submitted to and approved by the local planning authority a landscaping scheme to screen the southern boundary of the visitors' car park.

14. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

15. The developer's attention is also drawn to the enclosed note relating to the requirements of the Chronically Sick and Disabled Persons Act 1970.

16. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 23 of the Town and Country Planning Act 1971.

I am Gentlemen
Your obedient Servant



C J CRAIG MA(Oxon) MPhil MRTPI
Inspector

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APPEARANCES

FOR THE APPELLANTS

Mr Gordon Hyde

- partner in Breeze and Wyles, Solicitors, 37 Bullsmoor Lane, Enfield, Middlesex, EN3 6TF.

He called:

Mr Richard James Hunt

- the appellant/owner.

Mr Michael Caddy

- Manager, Epping Bury Fruit Farm.

Mr Norman Alfred Pain MICE FIHT

- Traffic Engineering and Planning Consultant.

Dr Malcolm Bell

- Land Use Department, National Farmers Union.

Mr Brian P McLaughlin BA(Hons)
MSc MRTPI

- Teacher/Researcher and part-time consultant in rural and countryside planning.

FOR THE PLANNING AUTHORITY

Mr Martin Harris

- Solicitor with the council.

He called:

Mr Norman Jackson

- Senior Planner, Epping Forest District Council.

INTERESTED PERSONS

Mr Duncan Sturrock

- 2 Takeleys Farm Cottages, Upland Road, Epping Upland, Essex.

DOCUMENTS

- Document 1 - List of persons present at the inquiry.
- Document 2 - Letter of notification.
- Document 3 - Letter of support from Country Landowners Association, dated 25 March 1986.
- Document 4 - Article 'Pick Your Own Countryside' from Countryside Commission News, July 1985.
- Document 5 - Paper by Elliott and Bell, 'Farming and Practical Survival in the Urban Fringe', PTRC 1982.

DOCUMENTS

- Document 6 - Farming and the Nation, Cmnd 7458, February 1979.
- Document 7 - Extracts from farming journals re changing policy for farming and the countryside.
- Document 8 - Survey by Lightfoot and Bell of Pick Your Own Units, The Grower, 26 April 1984.
- Document 9 - Extract from British Tourist Authority Publicity for East Sussex.
- Document 10 - English Tourist Board leaflet on fruit and vegetable picking in The English Vales.
- Document 11 - Comments by National Farmers Union on draft Epping and Ongar Local Plan, dated 30 October 1984.
- Document 12 - Correspondence between National Farmers Union/Country Landowners Association and the Council in respect of the application.
- Document 13 - Appeal decision in Stroud (T/APP/C1625/A/85/030374/P5), quoted in 'Planning', 24 January 1986.
- Document 14 - Extract from address by Minister of State for the Environment, Mr Waldegrave, to the Oxford Farming Conference on 8 January 1986.
- Document 15 - Extract from Parliamentary debate on Rural Areas, Hansard 29 January 1986, Col 1018.
- Document 16 - Report, "Pleasure, Leisure and Jobs", by Cabinet Office Enterprise Unit, 1985.
- Document 17 - 'Essex - Heritage, Coast and Countryside', publication by Essex County Council Tourism Unit, 1984.
- Document 18 - National Countryside Recreation Survey 1984, published by the Countryside Commission.
- Document 19 - Evidence by Countryside Commission to House of Commons, Environment Committee Report, 'Green Belt and Land for Housing'.
- Document 20 - Countryside Commission guides, advisory series Nos 2, 3, 9, 14.
- Document 21 - Essex County Council accident data for Upland Road, 1 January 1983 - 31 December 1985.
- Document 22 - Four letters of objection to the proposal received at application stage.

PLANS

- Plan A - The application plan, scale 1:100, showing proposed alterations.
- Plan B - Plan of buildings at Epping Bury Fruit Farm.
- Plan C - Location plan, scale 1:2500.