

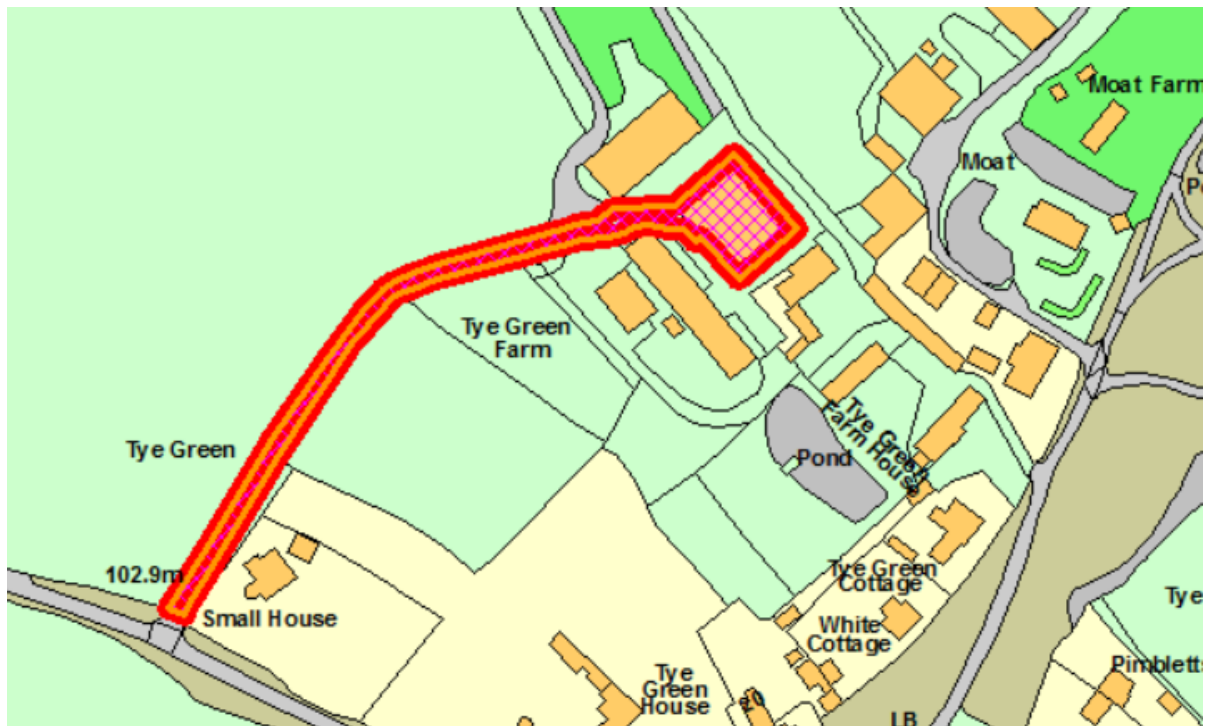
**ITEM NUMBER:** 6

**PLANNING COMMITTEE DATE:** 12 February 2025

**REFERENCE NUMBER:** UTT/24/2961/FUL

**LOCATION:** Tye Green Farm  
Tye Green, Elsenham  
Bishops Stortford  
CM22 6DY

## SITE LOCATION PLAN:



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Organisation: Uttlesford District Council      Date: 23 February 2025

**PROPOSAL:** S73A Retrospective planning application for the conversion of agricultural barn to stables

**APPLICANT:** Mr B Maher MBE

**AGENT:** Mr Andrew Stevenson

**EXPIRY DATE:** 14.01.2025

**EOT Expiry Date** 21.02.2025

**CASE OFFICER:** Natasha Vernal

**NOTATION:** Outside development lists  
Countryside Protection Zone  
Within 6km of airport

**REASON THIS APPLICATION IS ON THE AGENDA :** Member Cllr Call-in.

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## **1. EXECUTIVE SUMMARY**

- 1.1** Full planning permission is sought by the applicant Mr B Maher MBE for S73A Retrospective planning application for the conversion of agricultural barn to stables.
- 1.2** The proposals seek a retrospective planning permission for the retention of the use of an agricultural barn labelled building two on the existing block plan as stables by Tye Green Farm Ltd. Building two was recently converted to an indoor secure stables area and therefore this application aims to regularise the activities.
- 1.3** It is concluded that the proposals comply with the relevant policies contained within the Uttlesford District Local Plan 2005 (as Adopted), and the National Planning Policy Framework 2024.

## 2. **RECOMMENDATION**

That the Strategic Director of Planning be authorised to **GRANT** permission for the development subject to those items set out in section 17 of this report –

A) Conditions

## 3. **SITE LOCATION AND DESCRIPTION:**

3.1 The proposed site is located to the north of Tye Green Road and is accessed from the established farm track leading to the Tye Green farmstead range of active agricultural buildings. The site is situated within the Countryside Protection Zone (CPZ).

3.2 The site is occupied by three barns, barn one is used for grain storage, barn two is the subject of this application which involves an indoor stable accommodation with stalls, pens, feed store, loose tools and a welfare area. Barn three is used for agricultural purposes. The site is currently, in the main, a farmstead surrounded by agricultural farmland.

3.3 The site is surrounded by residential properties along with Grade II listed buildings to the south of the site.

## 4. **PROPOSAL**

4.1 Retrospective planning application for the conversion of agricultural barn to stables.

## 5. **ENVIRONMENTAL IMPACT ASSESSMENT**

5.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

## 6. **RELEVANT SITE HISTORY**

6.1

Reference	Proposal	Decision
UTT/24/2441/FUL	Change of use of land from agricultural to equestrian with the construction of an outdoor horse-riding arena.	Approved with Conditions 24.12.2024

UTT/18/0871/FUL	Conversion of Barn A to dwelling, conversion of Barn B to guest annexe and conversion of Barn C to residential annexe.	Approved with Conditions 20.07.2018
UTT/18/0872/LB	Conversion of 3 no. dis-used barns into residential accommodation: conversion of Barn A to dwelling, conversion of Barn B to guest annexe and conversion of Barn C to residential annexe.	Approved with Conditions 20.07.2018
UTT/18/2944/DOC	Application to discharge Conditions 3 (Archaeology) 4 (noise mitigation) 5 (contamination) attached to UTT/18/0871/FUL dated 20 July 2018.	Discharge Conditions in Full 17.04.2019.
UTT/1887/03/FUL	Change of use of barn to 11 short term let/holiday accommodation.	Approved with Conditions 16.04.2004
UTT/0049/98/FUL	Part change of use/part retention of use of agricultural land to leisure purposes. Retention of reception building and two field shelters. Change of use of part of agricultural building to ancillary equipment store.	Refused 23.04.1998

## **7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

**7.1** No pre-application advice sought.

## **8. SUMMARY OF STATUTORY CONSULTEE RESPONSES**

### **8.1 ECC Place Services Built Heritage**

**8.1.1** No objections to the proposal.

### **8.2 Environmental Health**

**8.2.1** No objections to the proposal subject to a condition relating to external lighting.

### **8.3 UDC Landscaping**

**8.3.1** No comments received during the course of this application.

**9. PARISH COUNCIL/TOWN COUNCIL COMMENTS**

- 9.1** Elsenham Parish Council raised an objection summarised below:
- 9.2** The Block Plan does not label the building immediately to the south-east. It is believed to be a property comprising a dwelling in separate ownership, which appears to be less than ten metres from the building which is the subject of the application.
- 9.3** As the building was previously in use as an agricultural barn, it is not likely that adequate drainage will be present.
- 9.4** Concerns on whether a former agricultural barn will provide adequate light and ventilation for the large number of horses proposed to be accommodated.

**10. CONSULTEE RESPONSES**

**10.1 UDC Environmental Health**

- 10.1.1** No objections to the proposal subject to a condition relating to external lighting.

**10.2 UDC Landscape Officer/Arborist**

- 10.2.1** No comments received.

**10.3 Place Services (Conservation and Heritage)**

- 10.3.1** Built Heritage Advice regarding S73A Retrospective planning application for the conversion of agricultural barn to stables.
- 10.3.2** The application site is a large modern agricultural building with an existing access track, located to the west of Tye Green Farm which comprises several Grade II listed buildings including Range of outbuildings to north of Tye Green Farmhouse (List entry number 1171277), Tye Green Farmhouse (List entry number 1305656) and Tye Green Cottage (List entry number 1322500).
- 10.3.3** I have no concerns about the change of use of the agricultural building for use as stables. In my opinion, this will have no impact on the setting or significance of the above-named listed buildings in terms of the National Planning Policy Framework (NPPF, December 2023) and will preserve the special interest of the listed buildings in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **11. REPRESENTATIONS**

**11.1** The application has been advertised by way site notice, press notice and 21 notifications letters were sent to nearby properties.

### **11.2 Support**

**11.2.1** Not applicable.

### **11.3 Object**

- 11.3.1**
- Concerns about the application being submitted retrospectively.
  - Omissions in the block plan
  - Impact on the setting of the Grade II listed building
  - The proposal would increase noise, smell, light pollution and footfall in the area
  - Requests a 10-foot close boarded fence is installed to address privacy concerns
  - Manure storage and environmental concerns
  - Lack of toilet/welfare facilities
  - Insufficient information provided relating to biodiversity, ponds and ditches.

### **11.4 Comment**

**11.4.1** Concerns relating to heritage, noise disruption, lighting and environmental health are considered to be addressed in the main body of this report below.

## **12. MATERIAL CONSIDERATIONS**

**12.1** In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the “Considerations and Assessments” section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

**12.2** Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to

(a) The provisions of the development plan, so far as material to the application,;

(a) a post-examination draft neighbourhood development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

**12.3** Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or, as the case may be, the Secretary of State, in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses or, fails to preserve or enhance the character and appearance of the Conservation Area.

## **12.4 The Development Plan**

**12.4.1** Essex Minerals Local Plan (adopted July 2014)  
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)  
Uttlesford District Local Plan (adopted 2005)  
Felsted Neighbourhood Plan (made Feb 2020)  
Great Dunmow Neighbourhood Plan (made December 2016)  
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)  
Thaxted Neighbourhood Plan (made February 2019)  
Stebbing Neighbourhood Plan (made July 2022)  
Saffron Walden Neighbourhood Plan (made October 2022)  
Ashdon Neighbourhood Plan (made December 2022)  
Great & Little Chesterford Neighbourhood Plan (made February 2023)

## **13. POLICY**

### **13.1 National Policies**

**13.1.1** National Planning Policy Framework (2024)

### **13.2 Uttlesford District Plan 2005**

S7	The Countryside
S8	Countryside Protection Zone
GEN1	Access
GEN2	Design
GEN3	Flood Protection
GEN4	Good Neighbourliness
GEN5	Light Pollution
GEN7	Nature Conservation
GEN8	Vehicle Parking Standards
ENV2	Development affecting listed building
ENV3	Open Space and Trees
ENV13	Exposure to poor air quality
ENV14	Contaminated Land
E5	Re-Use of Rural Buildings



**13.3 State name of relevant Neighbourhood Plan in this title**

**13.3.1** There is not 'made' Neighbourhood Plan for the area.

**13.4 Supplementary Planning Document or Guidance**

**13.4.1** Uttlesford Local Residential Parking Standards (2013)  
Essex County Council Parking Standards Design and Good Practice (2024)  
Supplementary Planning Document- Accessible homes and play space  
homes Essex Design Guide  
Uttlesford Interim Climate Change Policy (2021)  
Uttlesford District Council: District-Wide Design Code (June 2024)

**14. CONSIDERATIONS AND ASSESSMENT**

**14.1** The issues to consider in the determination of this application are:

- 14.2**
- A) Principle of Development**
  - B) Residential Amenity**
  - C) Transport and Parking**
  - D) Biodiversity, Ecology and Landscaping**
  - E) Land Contamination**

**14.3 A) Principle of development**

**14.3.1** The site is located outside development limits in the countryside (Uttlesford Local Plan Policy S7) as defined in the Uttlesford Local Plan, which states that the countryside will be protected for its own sake, planning permission will only be given if the development protects or enhances the particular character of the part of countryside within it is set or there are special reasons why the development in the form proposed need to be there and if the proposal is appropriate to the rural area.

**14.3.2** Uttlesford Local Plan Policy E5 states that the *“re-use and adaptation of rural buildings for business uses, small scale retail outlets, leisure uses or for tourist accommodation will be permitted in the countryside, including the Metropolitan Green Belt, the Countryside Protection Zone and beyond, if all the following criteria are met:*

*a) The buildings are of a permanent and substantial construction;*

*b) They are capable of conversion without major reconstruction or significant extension;*

c) *The development would protect or enhance the character of the countryside, its amenity value and its biodiversity and not result in a significant increase in noise levels or other adverse impacts;*

d) *The development would not place unacceptable pressures on the surrounding rural road network (in terms of traffic levels, road safety countryside character and amenity)."*

**14.3.3**

Uttlesford Local Plan Policy S8 states that: 'In the Countryside Protection Zone planning permission will only be granted for development that is required to be there or is appropriate to a rural area. There will be strict control on new development. In particular development will not be permitted if either of the following apply:

a) New buildings or uses would promote coalescence between the airport and existing development in the surrounding countryside;

**14.3.4**

b) It would adversely affect the open characteristics of the zone.'

This application seeks a retrospective planning application for the conversion of agricultural barn to stables. Building two was recently converted to an indoor secure stables area and therefore this application aims to regularise the activities. The barn would solely be used for personal use in associated with training horses. The changes proposed as part of this application are considered minor with no external changes/extensions and would not be out of keeping or impact the countryside setting.

**14.3.5**

The Design and Access Statement states that these horses will be stabled at Tye Green farm in pens (Barn B2) and that the barn has not increased in size/footprint from its original design/size, and the outward appearance has not changed in any way in individual stables.

**14.3.6**

**14.3.7**

*Design and amenity*

This building is typical of an agricultural barn that you would see in the countryside setting, in terms of scale, the proposal is limited to a change of use with no external changes to the building. Therefore, no issues regarding design or the amenity of adjoining occupiers in terms of shadowing, loss of privacy or visual dominance when compared to the current situation are envisaged. In addition, The Conservation Officer was formally consulted and raised no objections to the change of use noting that the proposal will have no impact on the setting or significance of the adjacent listed buildings

**14.3.8**

It may be possible that some additional noise from the operations or increased traffic could arise from the change of use, and as such

**14.3.9** Environmental Health have been consulted on the change of use which is considered to be addressed further down in this report.

**14.3.10** *Applying Policy S8 tests:*

**14.3.11** Criterion 1: The development would not promote coalescence between Stansted Airport and the existing development in the surrounding countryside. The sites limited impact due to its location within the middle of a large residential development will not lead to coalescence between the airport and the Elsenham over and above that which already exists.

**14.3.12** Criterion 2: The development does not harm the openness of the countryside, and consequently of the CPZ due to its setting within an existing agricultural development.

**14.3.13** In consideration with Policy S8, the conversion of agricultural barn to stables would not erode the open character and appearance of the locality as a result it would be in accordance with Uttlesford Local Plan Policy S8 in this respect.

On balance, it is considered that there are no policy objections in relation to this proposal in relation to the change of use of land from agricultural to equestrian with the construction of an outdoor horse-riding arena. The proposal accords with UDC Local Plan Policies S7, S8 and E5 and the NPPF 2024.

#### **14.4 B) Residential Amenity**

**14.4.1** According to ULP Policy GEN2, development will not be permitted unless it does not have an adverse impact on the reasonable occupation and enjoyment of any nearby property as a result of loss of privacy, loss of daylight, or overbearing impact.

**14.4.2** According to ULP Policy GEN4, development and uses will not be permitted where a) noise or vibrations generated, or b) smell, dust, light, fumes, electromagnetic radiation, exposure to other pollutants, would cause material disturbance or nuisance to occupiers of surrounding properties.

**14.4.3** A proposal of this nature has the potential to cause nuisance to neighbouring properties by way of noise, smell, light and disturbance. The site would be located approximately over 7m from any nearby residential properties. In view of the separation distance of the location of the stable building from neighbouring properties the proposal would not have any material detrimental impact on neighbour's amenity. The use of the stabling is solely for private use and a planning condition restricting the use to personal use would be secured.

**14.4.4** Overall, the development does not harm residential amenities, and accords with ULP Policies GEN2, GEN4 and the NPPF 2024.

## **14.5 C) Transport and Parking**

- 14.5.1** Paragraph 115(b) of the NPPF 2024 states that 'safe and suitable access to the site can be achieved for all users', whilst Paragraph 117(c) asks that development should 'create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.'
- 14.5.2** Local Plan policy GEN1 relates to safe access and states that development will only be permitted where a) Access to the main road network must be capable of carrying the traffic generated by the development safely and c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport.
- 14.5.3** The proposal would use an existing vehicular access off the farm track along Tye Green Road. The use is for personal use rather than commercial use. Due to the anticipated levels of use of the site, it is not likely that the use will be intensified to the extent of resulting in unacceptable pressures on the surrounding rural road network or being detrimental to highway safety.
- 14.5.3** Therefore, the development meets the Uttlesford Residential Parking Standards (2013) and the Essex County Council Parking Standards Design and Good Practice (2024) so that the proposal accords with Policy GEN1 and the NPPF (2024).

## **14.6 (D) Biodiversity, Ecology and Landscaping**

- 14.6.1** Policy GEN2 of the Local Plan applies a general requirement that development safeguards important environmental features in its setting, whilst Policy GEN7 seeks to protect wildlife, particularly protected species and requires the potential impacts of the development to be mitigated. The NPPF requires development protects and enhances biodiversity.
- 14.6.2** A completed biodiversity questionnaire has been submitted as part of this application, which did not identify any potential issues or trigger the requirement for specialist surveys.
- 14.6.3** It is thereby regarded that the proposals could be implemented without resulting in detrimental harm to protected or Priority species, habitats, or biodiversity, and thereby comply with policies GEN2, GEN7 of the adopted local plan and the NPPF (2024).

## **14.7 E) Land Contamination**

- 14.7.1** Paragraph 180(f) of the NPPF (2024) advises that the environment should be protected by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- 14.7.2** Local Plan policy ENV14 ensures that contaminated Land which may cause significant harm is mitigated and remediated by way of a site investigation, risk assessment, proposals, and timetable for remediation.
- 14.7.3** The Design and Access Statement confirms that within the building adequate welfare provisions shall also be provided for persons visiting the premises. No operational or physical external alterations are required to accommodate the welfare facility.
- 14.7.4** Environmental Health were formally consulted and raised no objections to the proposal subject to conditions relating to external lighting. Furthermore, to ensure no adverse impact in terms of smell, a non-burning waste/muck heap planning condition would be secured.
- 14.7.5** Therefore, the proposal complies with UDC Local Plan Policy ENV14 and Paragraph 180(f) of the NPPF (2024).

## **15. ADDITIONAL DUTIES**

### **15.1 Public Sector Equalities Duties**

- 15.1.1** The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.
- 15.1.2** The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 15.1.3** Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised

### **15.2 Human Rights**

- 15.2.1** There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) of the First Protocol

regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application

## **16. CONCLUSION**

**16.1** The following is a summary of the main reasons for the recommendation:

**16.2** The principle of the development of the site for the conversion of agricultural barn to stables (retrospective) is appropriate as it generally accords with UDC Local Plan Policies S7, S8 and E5.

**16.3** No external alterations nor extensions are proposed and therefore the design and scale are considered to be appropriate for this location.

**16.4** Environmental Health and Conservation have no objections to the proposal.

**16.5** Overall, the proposals are in accordance with relevant local and national planning policies and the scheme results in a positive and sustainable form of development that is of planning merit.

**16.6** It is therefore recommended that the application be approved subject to the suggested conditions below.

## **17. CONDITIONS**

### **17.1 Conditions**

1 The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.

2 The development hereby permitted shall be for personal use for equestrian purposes only and not for livery, a riding school or any other commercial or business use.

REASON: For the avoidance of doubt as to the scope of this planning permission and because the local planning authority wish to evaluate any commercial use by means of a planning application given that the site is in a rural area.

- 3        There shall be no floodlighting or other form of external lighting constructed within the application site without the prior written consent of the local planning authority.

REASON: To protect the amenities of the occupiers of adjoining properties in accordance with ULP Policies ENV11, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

- 4        There shall be no burning of manure and associated waste on the site or stored within 10m of any ditch or watercourse arising from the development hereby permitted. Any muck heap shall be not less than 15m from the boundary of adjacent residential properties and not less than 10m from any ditch or watercourse.

REASON: In the interests of the protection of residential amenity in accordance with ULP Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

## APPENDIX 1 – Place Services Built Heritage Consultation Response

Place Services  
Essex County Council  
County Hall, Chelmsford  
Essex, CM1 1QH  
T: 0333 013 6840  
www.placeservices.co.uk



FAO:  
Planning Department,  
Uttlesford District Council

Ref: UTT/24/2961/FUL  
Date: 11/12/2024

### HISTORIC BUILDINGS AND CONSERVATION ADVICE

Dear Sir / Madam,

**RE: Tye Green Farm, Tye Green, Elsenham, Bishops Stortford, Essex CM22 6DY**

Built Heritage Advice regarding S73A Retrospective planning application for the conversion of agricultural barn to stables.

The application site is a large modern agricultural building with an existing access track, located to the west of Tye Green Farm which comprises several Grade II listed buildings including: Range of outbuildings to north of Tye Green Farmhouse (List entry number 1171277), Tye Green Farmhouse (List entry number 1305656) and Tye Green Cottage (List entry number 1322500).

I have no concerns about the change of use of the agricultural building for use as stables. In my opinion, this will have no impact on the setting or significance of the above named listed buildings in terms of the National Planning Policy Framework (NPPF, December 2023) and will preserve the special interest of the listed buildings in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Yours sincerely,

Caroline Sones BA (Hons) DMS MA MSc IHBC  
Senior Built Heritage Consultant  
Place Services

*Note: This letter is advisory and should only be considered as the opinion formed by specialist staff in relation to this particular matter*



## **APPENDIX 2 – Environmental Health Consultation Response**

### **Environmental Health Consultee Comments for Planning**

Application Number: UTT/24/2961/FUL

Tye Green Farm Tye Green Elsenham

#### **Consultee**

Name: Sadie Stowell

Title: Environmental Protection Officer

Tel: x

Email: Sadie.Stowell@thurrock.gov.uk

Date: 6 December 2024

#### **S73A Retrospective planning application for the conversion of agricultural barn to stables**

#### **Comments**

#### **External Lighting**

I note that the planning statement states that there is to be no external lights, it may be necessary to confirm this via condition. Therefore the following condition is recommended:

*There shall be no floodlighting or other form of external lighting constructed within the application site without the prior written consent of the local planning authority.*

## **APPENDIX 3 – Elsenham Parish Council Consultation Response**



### **ELSENHAM PARISH COUNCIL**

#### **Planning Application UTT/24/2961/FUL**

#### **S73A Retrospective planning application for the conversion of agricultural barn to stables Tye Green Farm Tye Green Elsenham**

Elsenham Parish Council wishes to comment on this application, as below.

##### **1. Location**

It is understood from the Block Plan that the application refers to 'Building 2'. However, the Block Plan does not label the building immediately to the south-east. It is believed to be a property comprising a dwelling in separate ownership, which appears to be less than ten metres from the building which is the subject of the application.

If the Parish Council is correct, there must be reservations. The stabling of as many as thirty horses, with manure removed only once in six months, must result in a considerable stench which will be carried to the property in question by the prevailing winds.

##### **2. Drainage**

Clearly a significant amount of equine urine will be produced. As the building was previously in use as an agricultural barn, it is not likely that adequate drainage will be present, and there is nothing to show any proposals.

### **3. Accommodation**

Doubts must be expressed as to whether a former agricultural barn will provide adequate light and ventilation for the large number of horses proposed to be accommodated.

### **Conclusion**

Confirmation is needed as to whether the Parish Council's assumptions and understandings are correct. If so, the application cannot be regarded as suitable.