

3/13/1654/FP – Use of the land for fishing, swimming, shooting, segway hire, weddings and functions. Erection of marquee between 1st March & 30th September; the retention of an associated storage container; the extension of hard standing to form an access to the marquee and the change of use of land for overflow car parking. (Retrospective) at Redricks Lakes, Redricks Lane, Sawbridgeworth, Hertfordshire, CM21 0RL for Mitchell Edwards, Redricks Leisure Park Ltd.

Date of Receipt: 06.12.2013

Type: Full – Major

Parish: SAWBRIDGEWORTH

Ward: SAWBRIDGEWORTH

RECOMMENDATION

(a) That planning permission be **REFUSED** for the following reason:

1. The application site lies within the Metropolitan Green Belt as defined in the East Hertfordshire Local Plan wherein permission will only be given for appropriate development. The proposed use of the site for weddings and other functions and the associated marquee and overflow car park comprise inappropriate development that would be detrimental to the character and appearance of the site and the openness of the Green Belt. The positive impacts of the development put forward by the applicant are not considered to be of such weight that they would clearly outweigh this identified harm or amount to the very special circumstances required to justify the inappropriate development in the Green Belt. The development would thereby be contrary to Policy GBC1 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

Summary of Reasons for Decision

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012, East Herts Council has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the statutory period for determining the application. However, for the reasons set out in this decision notice, the proposal is not considered to achieve an acceptable and sustainable development in accordance with the Development Plan and the National Planning Policy Framework.

(b) That the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action

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under Section 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the removal of the unauthorised marquee and storage container and the cessation of the use land for the erection of a marquee for weddings and other functions and the use of land for overflow car parking.

Period for compliance: 6 months

Reasons why it is expedient to take action:

The application site lies within the Metropolitan Green Belt as defined in the East Hertfordshire Local Plan wherein permission will only be given for appropriate development. The use of the site for weddings and other functions and the associated marquee and overflow car park comprise inappropriate development that is detrimental to the character and appearance of the site and the openness of the Green Belt. The positive impacts of the development put forward by the applicant are not considered to be of such weight that they would clearly outweigh this identified harm or amount to the very special circumstances required to justify the inappropriate development in the Green Belt. The development would thereby be contrary to Policy GBC1 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

_____ (165413FP.NM)

1.0 Background

- 1.1 The application site is shown on the attached OS extract.
- 1.2 It is located within the Metropolitan Green Belt, south of Redricks Lane and south west of Redricks Farm. The site is accessed from an unmade highway off Redricks Lane, and is occupied by fishing lakes which are used for recreational purposes.
- 1.3 The current proposal seeks retrospective permission for the use of the land for swimming, shooting, segway hire, weddings and functions; the erection of marquee between 1st March & 30th September; the siting of a storage container; the extension of hard standing to form an access to the marquee and the retrospective change of use of land for overflow car parking.
- 1.4 Planning permission was granted for the use of the site for fishing lakes in 2008. However, since this time the fishing lakes have started to be used for other recreational purposes including open water swimming and racing events, shooting, bird of prey events and segway hire. Whilst

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planning permission has not previously been sought for these uses. Officers have advised the applicant that some additional recreation and sporting activities may not require planning permission provided that they remain ancillary to the principle use of the site as fishing lakes. However, the number of non-fishing recreational activities has increased at the site and the applicant has also erected a marquee and commenced using the land for weddings and other events. Officers have advised the applicant that planning permission is required for the use of the site for weddings and the erection of the marquee. The applicant has decided to include the other recreation and sporting activities in the description of the current application to regularise these uses.

- 1.5 The Planning Statement submitted with the application explains that fishing takes place at the lakes all year around with the exception of Saturday mornings 8-10am, Tuesday evenings 6-7pm, Wednesday evening 7-8pm and Thursday evenings 6-7pm when open water swimming takes place. They currently have 30 members of the fishing club and approximately 12 people fish at the site per week. Approximately 6 birds of prey events take place a year. Two open water swimming events take place per week which attract an average of 30 people and 15 cars. Shooting takes place around 8 times a year on the site. Four segway machines are currently in use at the site which are used around 20 times a year for a period of 3-4 hours, over a six month period during the summer time.
- 1.6 The marquee is proposed to be erected for 6 months of the year between March and September and is proposed to be dismantled outside of these times. However, the storage container adjacent to the marquee site would remain all year around to store the marquee equipment. The marquee is proposed to be used for weddings and other events including parties. It is planned to have one function every other week on average over the six month summer period. The maximum number at each event would be 180 people.

2.0 Site History

- 2.1 The relevant planning history for the site is as follows:-
- 2.2 The site was formerly a quarry and was subject to various previous applications for the approval of development that constituted a County Council Matter.
- 2.3 In 2008 planning permission was granted under delegated powers for the change of use of land to fishing lakes including access road, car park

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and siting of porta cabin by the lakes for storage and a base for the bailiff (lpa. reference 3/08/0180/FP).

- 2.4 Planning permission was granted by the Development Management Committee in 2011 for a new club house and shower facilities for the fishing lakes under lpa reference 3/10/0761/FP.

3.0 Consultation Responses

- 3.1 County Highways do not wish to restrict the grant of permission. They have commented that the access is suitable for a low key operation. However, if this is increased and a higher provision of light good vehicles occurs then consideration should be given to providing a passing bay near to the entrance of the track with associated signage.

- 3.2 The Environment Agency have commented that the Flood Risk Assessment (FRA) that has been submitted demonstrates that the development can be kept safe from flooding without increasing flood risk elsewhere. It is important that the measures given within the FRA are put into place if planning permission is granted.

- 3.3 Hertfordshire Ecology have no comments in respect of the proposal, however, state that they welcome the commitments made within the Planning Statement to promote and enhance biodiversity at the site.

4.0 Town Council Representations

- 4.1 Sawbridgeworth Town Council has no objections to the proposal.

5.0 Other Representations

- 5.1 The application has been advertised by way of press notice, site notice and neighbour notification.
- 5.2 No letters of representation have been received.

6.0 Policy

- 6.1 The relevant 'saved' Local Plan policies in this application include the following:-

GBC1	Green Belt
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV16	Protected Species
ENV19	Development in Areas Liable to Flood

6.2 In addition, the following sections of the NPPF are of relevance:-

Section 3 – Supporting a prosperous rural economy

Section 9 – Protecting Green Belt Land

Section 11 – Conserving and enhancing the natural environment

6.3 The NPPG is also a material consideration in the determination of this application.

7.0 Considerations

7.1 The determining considerations for the current application are as follows:

- Whether the proposed use and operational development form appropriate development within the Green Belt;
- Where inappropriate development is proposed whether there is any other harm associated with the proposals;
- Whether very special circumstances exist and whether the harm to the Green Belt is clearly outweighed by other considerations.

Appropriate development within the Green Belt

7.2 The application site is located within the Green Belt wherein Policy GBC1 of the Local Plan and the NPPF identify appropriate forms of development. Policy GBC1 allows for essential small scale facilities for outdoor sport and recreation and the NPPF allows for the provision of appropriate facilities for outdoor sport and recreation as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

7.3 The use of the lakes for fishing has already been authorised by the planning permission granted in 2008. The use of the site for bird of prey events, shooting and segway, based upon the low frequency of these uses, are considered to remain ancillary to the use of the site as fishing lakes and as such Officers consider that these do not require planning permission. However, the use of the lake for open water swimming appears to have become frequent and as such Officers consider that it is necessary for this use to be considered as part of the current application, together with the use of the site for weddings and other functions, the erection of the marquee, container, extension of hardstanding and change of use of land for overflow car parking.

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- 7.4 The Planning Statement submitted, at section 5c sets out that there are two open water swimming events per week which attract an average of 30 people, generating approximately 15 cars visiting the site. However, 5a of the same document states that there are 4 occasions during the week that fishing does not take place to allow for open water swimming. Notwithstanding this uncertainty in respect of the number of events that take place each week, the number of participants, stated as 30 people on average, is relatively low. Whilst the open water swimming does create an additional activity which would create some harm to the Green Belt, the degree of this impact is not considered to be significant and as such the use is considered to form an appropriate outdoor sporting use within the Green Belt.
- 7.5 The proposed extension of hard standing to create an access to the marquee is considered to constitute an engineering operation which, in accordance with the NPPF, is considered appropriate where it would preserve the openness of the Green Belt and does not conflict with the purposes of including land within the Green Belt. The proposal would extend the existing hard surfaced area to the front of the club house into previously undeveloped grassland around the lake. By reducing the undeveloped land within the site this would create some harm. However, as the hard surfacing would be used for access purposes only and is unlikely to be used for the parking of vehicles, the degree of harm caused by this development is not considered to be significant and would be limited to that associated with the loss of grass and the creation of hard standing. Officers therefore consider that the hard standing that has been created for the access to the marquee does not significantly impact upon the openness of the Green Belt such as to justify the refusal of planning permission for this reason.
- 7.6 In respect of the use of the site for weddings and other functions; the erection of the marquee; container and change of use of land for overflow car parking, these uses and operational development are not considered to be within the appropriate forms of development that are listed within policy GBC1 of the Local Plan and the NPPF. The NPPF states that inappropriate development is, by definition harmful to the Green Belt and that when considering any planning application, substantial weight should be given to any harm to the Green Belt. The proposed developments are by definition harmful. In addition, other harm is considered to result from these developments as set out below.

Other harm associated with the proposals

- 7.7 The marquee would form the largest structure within the site and having regard to its size and materials of construction Officers consider that it

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would result in a loss of openness and appear unduly prominent when viewed from various points within the site, including from the existing club house, viewpoints across the lake and from the access road. Whilst it is acknowledged that the marquee would not be in place all year around, its presence during summer months, when the lakes are most frequently used would nevertheless be harmful to the character and appearance of the site and to the openness of the Green Belt.

- 7.8 The storage container appears to be used to store the marquee equipment and as such appears to be in situ all year around. This container adds to the visual impact that the marquee has upon the site, resulting in a change to the character of this part of the site and a loss of openness.
- 7.9 It is acknowledged that, due to existing tree screening and land levels which fall from a north to south direction, the marquee and storage container are unlikely to be visible from outside of the site. However, the structures would nevertheless result in harm to the character and appearance of the site and result in a loss of openness, which is an essential characteristic of the Green Belt.
- 7.10 The overflow car parking area creates additional parking for popular swimming events and weddings and other events that take place in the marquee. This area of parking covers an area of approximately 900 sqm. It is noted that this area does not have any hard standing and is unlikely to be used all year around. However, it is currently used regularly during the summer months and certainly for more than 28 days a year. The use of this undeveloped land for the parking of vehicles alters the character of this part of the site and impact upon the openness of the Green Belt.
- 7.11 As detailed above the proposed marquee, storage container and the use of additional land for parked cars would result in a visual impact upon the character and appearance of the site and the openness of the Green Belt. Additional harm would also be caused by the significant increase in activity that would occur by the proposed use of the site for weddings and other functions. Whilst it is acknowledged that additional visitors and associated activity occurs at the site during the swimming events, the Planning Statement outlines that these attract on average 30 people. Whereas the wedding events can accommodate up to 180 people. This is a significantly greater number of visitors which will also result in higher numbers of vehicles within the site and a general increase in activity over large periods of each day when the event is occurring, unlike the swimming events that would only last a few hours at a time.

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7.12 Officers consider that the marquee and the storage container together with the use of the site for weddings and functions and associated car parking within a proposed overflow car park would result in substantial harm to the Green Belt.

Very special circumstances

7.13 The Planning Statement submitted with the application explains that the use of the site for weddings and functions will provide much needed income to subsidise the recreational and sporting activities that take place at the site. However, no financial details have been provided to demonstrate that the use of the site for sport and recreational purposes could not continue without the use of the site for weddings and other functions and therefore I attach little weight to this justification.

7.14 The applicant has also stated that the proposed use brings economic benefits to the area such as employment. However, no details of the number of people employed at the site have been given. Whilst it is acknowledged that the use of the site for weddings and functions would bring some economic benefits, I consider these to be limited and would not outweigh the harm caused to the Green Belt.

7.15 It is acknowledged that no concerns have been raised by the relevant consultees in respect of flood risk and biodiversity. However, this does not negate the harmful impact that the proposal has upon the Green Belt.

7.16 The comments received from County Highways that passing bays and additional signage should be considered where an increased use of the site would occur are noted. Officers do have some concerns in respect of the suitability of the existing access track to serve up to 180 guests at weddings or other functions. However, having regard to the comments received from the Highway Authority, Officers do not consider there to be grounds to recommended refusal of the planning application on highway safety in this instance.

7.17 Officers do not consider that the benefits of the proposal (as submitted by the applicant) are of such weight that they clearly outweigh the harm caused to the Green Belt, or constitute the very special circumstances necessary to permit inappropriate development in the Metropolitan Green Belt.

8.0 Conclusion

8.1 The proposed use of the site for weddings and other functions and the

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associated marquee and overflow car park form inappropriate development that would be detrimental to the character and appearance of the site and the openness of the Green Belt, contrary to the aims of Policy GBC1 and the NPPF. There are no very special circumstances in this case that justify the departure from Policy or clearly outweigh the harm caused to the Green Belt.

- 8.2 Having regard to the above considerations it is recommended that planning permission is refused for the reason given at the head of this report.