

**3/14/0847/FP - Change of use from agricultural use to 1 static holiday caravan in the form of a log cabin at Elbow Lane Farm, Elbow Lane, Hertford Heath, SG13 7QA for Mr Seamus Bourke**

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**Date of Receipt:** 09.05.2014

**Type:** Full – Minor

**Parish:** HERTFORD HEATH

**Ward:** HERTFORD HEATH

**RECOMMENDATION:**

That planning permission be **GRANTED** subject to the following conditions:

1. Three Year Time Limit (1T121)
2. This permission shall be for a limited period only, expiring on 30 October 2016. The use hereby permitted shall cease on or before that date, and the cabin and works carried out under this permission shall be removed and the land reinstated to its former condition or in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: The permission hereby granted is intended to provide support for the existing equestrian use through diversification of the services offered and this period of time will enable an accurate assessment to be made of the long term viability of the tourism use and the impact that it has in terms of supporting the Equestrian Centre use in accordance with policy GBC1 of the East Herts Local Plan Second Review April 2007 and the requirements of the National Planning Policy Framework.

3. Approved plans (2E103) (214-01, 214-02, 214-03, 214-04, 214-05, 214-06, 228-LP1, 228-LP2).
4. The cabin shall be used solely for tourist accommodation purposes in association with East Herts Equestrian Centre and for no other purpose whatsoever without the prior written permission of the local planning authority.

Reason: The permission hereby granted is intended to provide support for the existing equestrian use through diversification of the services offered. Permission has therefore been granted in view of the 'very special circumstances' considered to exist in this instance, and which would not exist if the cabin were to be used for alternative purposes which which would be detrimental to the character of the Green Belt, in

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accordance with policies ENV1 and GBC1 of the East Herts Local Plan Second Review April 2007 and the requirements of the National Planning Policy Framework.

5. Tree/hedge retention and protection (4P055).
6. Prior to the implementation of the development hereby approved the feed store, approved under application ref: 3/09/0678/FP, shall be removed from the site.

Reason: In order to preserve the openness of the Green Belt, in accordance with policy GBC1 of the East Herts Local Plan Second Review April 2007 and the requirements of the National Planning Policy Framework.

#### Directives:

1. Other legislation (01OL1)
2. Unsuspected contamination (33UC1)
3. Protected species (36PS1)

#### Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies is that permission should be granted.

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#### **1.0 Background**

- 1.1 The application site is shown on the attached OS extract. It forms part of Elbow Lane Farm which lies to the south of Hertford close to the administrative boundary of Broxbourne Borough Council. It is accessed via a private driveway which leads onto Mangrove Lane to the north

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and Lord Street, Hoddesdon to the south.

- 1.2 Prior to being purchased as part of the wider Elbow Lane Farm holding, all the land was owned by a pharmaceutical company. The Bourke family purchased the wider farm holding in 2002 and established a successful Equestrian Centre.
- 1.3 Members may also recall that a pig rearing business has been introduced on land to the south of the site, now known as Dalmonds Wood Farm but which previously formed part of Elbow Lane Farm. Temporary permission was granted for a stockman's cabin at the site in 2012 to allow the close monitoring of the pigs.
- 1.4 The current proposal would involve the siting of 1 static caravan ( a use of the land rather than a building) in the form of a log cabin on land between Breaffy Lodge (the equestrian centre manager's dwelling) to the south and the agricultural and equestrian buildings to the north of the site. The cabin would provide accommodation for tourists visiting the site in tandem with the established equestrian centre. It is intended that the visitors would bring horses with them as part of a riding holiday, with livery provided on site.
- 1.5 The proposed cabin would measure 16.6 metres long by 6.8 metres wide with a ridge height of 3.5 metres. It would have three double bedrooms, two bathrooms, a kitchen and a dining/living room.
- 1.6 The cabin would replace an existing feed store that has been sited on the land since 2009 (ref: 3/09/0678/FP). The existing structure measures 12 metres long by 3.7 metres wide, with a height of 3 metres.
- 1.7 The site lies within the Metropolitan Green Belt.

## **2.0 Site History**

- 2.1 Elbow Lane Farm has a long planning history, with many of the applications being determined by the Committee. Planning permission was previously sought for 5 tourist cabins on 'Reservoir Field', part of Dalmonds Wood Farm, in 2012 (ref: 3/12/0268/FP). Planning permission was refused for the development, and the subsequent appeal dismissed, as the harm to the Green Belt from the siting of the 5 cabins and associated development on an open field was considered to be unacceptable.
- 2.2 The history of the following applications at the two sites is considered to

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be of relevance to this application:

- 3/02/2645/FP – Change of use of land and buildings from commercial to equestrian and agricultural, construction of new stabling, equestrian managers house, manège, horsebox and car parking – Approved June 2003
- 3/02/2646/FP – Demolition of two commercial buildings and construction of new farmhouse – Approved June 2003
- 3/03/2082/FP – Construction of stabling and tack rooms and other works – Approved December 2003
- 3/05/0568/FP – Relocation of consented manager's house and substitution of existing equestrian tie with an agricultural tie – Withdrawn
- 3/05/2532/FP – Construction of cattle compound and loading area and re-siting of consented manager's house – Approved March 2006
- 3/06/1005/FP – Alterations to design of Manager's House and addition of basement (approved under consent Refs. 3/02/2645/FP and 3/05/2352/FP) – Approved August 2006
- 3/06/1850/FP – Equestrian lunge ring – Approved November 2006
- 3/06/1522/FP – Construction of barn – Approved June 2007
- 3/06/1523/FP – Conversion of cattle barn to 16 equestrian loose boxes – Withdrawn
- 3/07/1072/FP – Single storey outbuilding for machinery storage, temporary animal housing and kennel – Approved August 2007 (Manager's House)
- 3/08/0411/FP – Internal conversions to provide living accommodation for grooms – Approved May 2008
- 3/09/0678/FP – Retention and re-siting of feed store – Approved July 2009
- 3/10/0522/FP – Extensions, alterations, replacement roof, triple garage with office space above and rearrangement of access – Withdrawn (The Farmhouse)
- 3/10/1254/FP – Extensions, alterations, replacement roof, triple garage with office space above and rearrangement of access – Approved June 2011 (The Farmhouse)
- 3/11/0856/FP – Erection of storage barn (replacement for barn approved in June 2007, which could not be built due to the proximity of a gas main) – Approved October 2011

2.3 Dalmonds Wood Farm (to the south of the site) has the following history, noted for reference:

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- 3/11/0575/PA – Farm building to house pigs – Prior approval not required April 2011
- 3/11/1716/FP – Use of land for the siting of a residential mobile home in the form of a log cabin for a temporary 3 year period for occupation by a stockman – Refused December 2011
- 3/12/0268/FP – Change of use of reservoir field to allow the siting of 5 static holiday caravans in the form of log cabins and of a reception building – Refused July 2012 – Appeal dismissed January 2013
- 3/12/0355/FP – Use of land for the siting of a residential mobile home in the form of a log cabin for a temporary 3 year period for occupation by a stockman – Approved May 2012
- 3/12/1784/FO – Extension of time limit and variation of approved plans – Approved January 2013

### **3.0 Consultation Responses**

- 3.1 Natural England advises that the development is unlikely to have significant impact on the nearby Sites of Special Scientific Interest.
- 3.2 The County Council Highways department has no objection. They comment that the proposed change of use is acceptable in a highways context and that, although the private road is long and narrow, it opens out considerably at the point where it meets the public highway. Visibility from this access onto Mangrove road is not unreasonable and the extra traffic associated with just one holiday home will not be significant.
- 3.3 The Council's Environment Health unit advises that any unsuspected site contamination should be reported to the Council.
- 3.4 The Council's Landscape Officer has recommended refusal of the application as he considers that the development, together with the means of enclosure and screening, would result in an adverse impact on the landscape character of the site and its surroundings. The cabin would be an incongruous addition to the site, and would fail to assimilate well with its surroundings.

### **4.0 Parish Council Representations**

- 4.1 Hertford Heath Parish Council has not commented on the application.

### **5.0 Other Representations**

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- 5.1 The application has been advertised by way of site notice and neighbour notification.
- 5.2 Representations have been received from 2 local residents which can be summarised as follows:
- The application would involve a further infringement of the Green Belt following previous permissions for dwellings at the farm
  - The holiday home occupancy figures provided are out of date and do not reflect the current market
  - The local area does not provide adequate riding opportunities to support the proposed use
  - The supporting information provided with the application is misleading; the company quoted does not offer 'holidays with horses'
- 5.3 One response indicated a belief that this application involved the re-use of the stockman's cabin approved at Dalmonds Wood Farm to the immediate south of the site. For the sake of clarification this is not the case. The stockman's cabin remains in use, and this application is for a new cabin.

### **6.0 Policy**

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

GBC1	Appropriate Development in the Green Belt
GBC8	Rural Diversification
GBC14	Landscape Character
TR2	Access to New Developments
TR7	Car Parking – Standards
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV11	Protection of Existing Hedgerows and Trees
ENV14	Local Sites
ENV16	Protected Species
LRC5	Countryside Recreation
LRC10	Tourism

- 6.2 The National Planning Policy Framework (NPPF) is also a material consideration in the determination of this application. In particular, chapters 3 – Supporting a prosperous rural economy and 9 – Protecting Green Belt land are considered to be of relevance in assessing this

application.

- 6.3 The National Planning Practice Guidance (NPPG) indicates that local planning authorities should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

## **7.0 Considerations**

### Green Belt

- 7.1 The site lies within the Metropolitan Green Belt. The use of the land for the stationing of a mobile home/cabin for tourist accommodation is not one of the uses recognised by policy GBC1 or the National Planning Policy Framework as being appropriate development in the Green Belt. It therefore constitutes inappropriate development which is, by definition, harmful to the Green Belt.
- 7.2 Planning permission should not be granted for inappropriate development except in 'very special circumstances'. The NPPF makes it clear that such very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 7.3 In addition to the harm to the Green Belt by inappropriateness, Officers also consider that the use and new structure would result in other harm to the Green Belt by reason of loss of openness and its impact on the surrounding area (although this has to be weighed against the impact of the existing feed store on the site and the screening of the site which is discussed below).
- 7.4 The main planning issue to consider in the determination of this application is, therefore, whether the harm to the Green Belt in this case is clearly outweighed by other material considerations to which such weight can be attached that they constitute 'very special circumstances' for permitting the inappropriate development in the Green Belt.

### Other harm

- 7.5 The proposed cabin would be larger than the existing food store on the site and would result in an additional loss of openness in the area.

Furthermore, the proposed holiday use would generate a different and more intensive level of activity on the site than the existing building. This would result in some harm to the Green Belt in terms of safeguarding it from encroachment. These matters therefore weigh against the development, in addition to the 'significant' weight that must be attributed to inappropriate development in the Green Belt in principle.

- 7.6 The proposed cabin would lie to the north of Breaffy Lodge, in a small area of land which has been planted with fruit trees and enclosed with a fence. The fruit trees are immature specimens, and would provide limited screening from view from the right of way to the east. However, there are mature trees and other vegetation separating the site from the right of way. At the time of this report this established vegetation provided substantial screening of the site, with only limited views of the existing feed store visible.
- 7.7 Officers therefore consider that, although there would be some loss of openness and visual impact from the development, this impact would be relatively limited as the cabin would be viewed as one of a group of buildings and would be screened from the adjacent public right of way.
- 7.8 Although the Landscape Officer has raised concerns about the integration of the cabin into the landscape, and Officers acknowledge that it would be larger than the existing building, it is considered that the additional impact would not be significant in this location. The cabin would sit against a backdrop of mature trees, and would have a similar appearance to the feed store, being a timber structure, albeit taller and occupying a larger footprint. The provision of additional native screen planting would also assist in the screening of the development and could be secured via planning condition in the event that a permanent permission were to be granted. Officers have, however, recommended a temporary permission in this case and therefore a requirement to provide additional native planting is not considered to be reasonable until after a temporary 'trial run' period has shown the business to be viable in the longer term (and therefore able to support funds to provide for additional landscaping).
- 7.9 There is therefore some additional harm to the Green Belt from this proposal but the degree of that harm is considered, by Officers, to be relatively limited and can be mitigated by planning conditions.
- 7.10 Nevertheless, given the inappropriateness of the development and this identified additional harm to the Green Belt, national and local planning



policy indicates that planning permission should not be granted for the development unless there are other material considerations to which such weight can be assigned that they 'clearly outweigh' the harm identified and constitute the 'very special circumstances' necessary to justify the development in the Green Belt.

- 7.11 In this case, the applicant argues that the development would support the diversification of the existing Equestrian Centre, and provide valuable tourist facilities in the local area. They consider that these matters 'clearly outweigh' any harm to the Green Belt and constitute the very special circumstances required. These matters are discussed below.

Benefits of the proposal and 'very special circumstances

- 7.12 The degree to which the proposal will provide tourist facilities to support the existing Equestrian Centre is a key consideration in this case. Paragraph 28 of the NPPF states that "planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development". It encourages sustainable tourist development including where it involves "well designed new buildings". It also states that policies should promote the diversification of rural businesses.
- 7.13 In addition to these policies, however, the NPPF also emphasises the need to ensure that such facilities "respect the character of the countryside" and of course, one of the NPPF's core planning principles, at paragraph 17, is to recognise the intrinsic character and beauty of the countryside. Furthermore, the general support for tourism does not override the protection of the Green Belt from inappropriate development (para. 14 NPPF).
- 7.14 The benefits of the proposal in terms of tourism and support for the Equestrian Centre must, therefore, be weighed against its impact on the Green Belt and on the character and appearance of the surrounding area.
- 7.15 The applicant has indicated that the economic climate since 2009/10 has resulted in a decline in the viability of the equestrian business at the farm and, by 2011, they state that occupancy levels had dropped such that the Centre regularly had 10 or 12 empty stables. The applicant confirms that the Equestrian Centre recorded a loss of approx. £44,000 in 2011; and a loss of £52,000 in 2012, with only a small profit of £2,591.00 in 2013. The applicant hopes, however, that the proposed

tourist accommodation will aid the diversification of the facilities provided by the Centre and allow it become a profitable enterprise once more.

- 7.16 Officers have considered this matter in some detail and the extent to which these aims can be said to 'clearly outweigh' the harm caused to the Green Belt in this case. There is some lack of certainty with regard to the impact that this use will have on the viability of the equestrian business and also whether it would, in itself, be a viable use in the long term. However, given the support for tourism uses both within the Local Plan and the NPPF, and the limited scale and impact of the proposals, Officers consider that a temporary permission would be appropriate and necessary in this case to ensure that the business is a viable one and one which achieves the desired financial support for the Equestrian Centre. A period of just over two years (to include two summer seasons) will enable the applicant to keep detailed records of the occupancy of the cabin and the income that it achieves. The business accounts should then be able to show whether or not the use is a viable source of income for the farm and whether it is viable in itself in the longer term.

Other matters

- 7.17 Information provided in support of the application regarding tourist accommodation occupancy, and support from a named holiday company, for 'holidays with horses' have been queried by a local resident.
- 7.18 At present the company quoted does not appear to provide formal support and advertisement for such holidays. However, a number of other companies do provide such support, based on a review of websites by Officers in assessing this application. Officers do not consider that this discrepancy is significant in assessing this application. It may be that the named company are considering providing support for this type of holiday in addition to their current practise of advertising holidays for sites offering lessons and horse rental on site.
- 7.19 With regard to the use of 2010 tourist accommodation occupancy figures, these are taken from the Economic Impact Assessment for East Hertfordshire, published by East of England Tourism. Officers have attempted to find more recent figures, but these do not appear to be available for self-catering accommodation.

**8.0 Conclusion**

- 8.1 The proposal constitutes inappropriate development in the Green Belt which, by definition, is harmful to it.
- 8.2 However, Officers consider that any additional harm that would result from the development would be limited. The proposed cabin would replace an existing feed store and, while larger, would not result in a significant increase in harm to the openness or rural character of the Green Belt when viewed from public land.
- 8.3 The income from the proposed tourism use would, in the applicants submissions, support the existing Equestrian Centre, which has experienced a significant downturn in income, following initial profits. Both national and local policies support tourism development in suitable locations, and the applicant hopes that the site would provide a service not available elsewhere in the local area. Officers consider that, if the anticipated tourism use does prove to be viable, then these matters would outweigh the limited harm to the Green Belt in this case. However, the viability of the use and its ability to achieve the anticipated income is as yet uncertain. A temporary period as a 'trial run' is therefore considered necessary and appropriate in this case to ensure that the 'very special circumstances' do materialise and are sustainable prior to a permanent permission being granted.
- 8.4 Officers therefore recommend that planning permission be granted subject to the conditions recommended at the head of this report.