

**3/09/0187/FP – Retention of dwelling without compliance with condition no 8 (equestrian occupancy) of planning permission ref 3/03/1069/FP at Barnes Hall Manor, White Stubbs Lane, Broxbourne for Mr. & Mrs. Barnes.**

**Date of Receipt:** 09.02.09

**Type:** Full

**Parish:** BRICKENDON LIBERTY

**Ward:** HERTFORD HEATH

**RECOMMENDATION**

That planning permission be **REFUSED** for the following reason:-

1. Insufficient evidence has been submitted to prove that there is no longer a need for this dwelling to be occupied in connection with the equestrian centre or for another rural-based occupational need in the surrounding area. There is therefore no justification for the removal of the occupancy condition, and the proposal is thereby contrary to policy GBC6 of the East Herts Local Plan Second Review April 2007 and PPS7 'Sustainable Development in Rural Areas'.

\_\_\_\_\_ (018709FP.HS)

**1.0 Background**

- 1.1 The application site is shown on the attached OS extract and comprises an existing large detached dwelling located on the southern side of White Stubbs Lane, opposite Paradise Wildlife Park. There are a number of buildings, including stables and barns, to the east of the dwelling that form the Birch Farm Equestrian Centre. The rest of the site is utilised for grazing in paddock areas with a number of manèges. The site lies within the Metropolitan Green Belt.
- 1.2 This application proposes to remove Condition 8 of permission 3/03/1069/FP which was worded as follows:

*The occupancy of the dwelling hereby permitted shall be limited to persons employed in the management or running of the equestrian centre of which the site forms part, and dependants of such persons.*

*Reason: The proposed dwelling is situated in the Metropolitan Green Belt where in accordance with policy RA2 of the East Herts Local Plan the Local Planning Authority would not be prepared to grant permission for the erection of a dwelling otherwise than as essentially required to provide supervision of the horses within the equestrian centre.*

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- 1.3 This report should be read in conjunction with that for application 3/09/0190/OP which proposes a redevelopment of the site for 4 no. detached dwellings.

## **2.0 Site History**

- 2.1 Retrospective planning permission was granted in 1968 for conversion of a large barn to an indoor riding school, erection of 24 loose boxes and the retention of two prefabricated buildings as office/tack room/store (our reference 3/68/0096). A mobile home was then granted permission under appeal to provide staff accommodation (reference 3/71/3751). Outline permission was then granted in 1993 for a permanent dwelling to replace the mobile home (reference 3/92/0156/OP). However, approval of reserved matters was never sought and consequently the dwelling was never constructed.
- 2.2 Mr. Barnes acquired the site in 1996 and undertook various works to improve the facilities on site. Permission was granted in 1998 (our reference 3/98/0883/FP) for the erection of 12 new stables, 9 replacement stables, an additional manège and extra parking.
- 2.3 A later application in 2000 was granted for a change of use of the indoor riding school to the parking and storage of limousines and associated office use (our reference 3/00/1253/FP).
- 2.4 Permission for the detached dwelling to which this application relates was granted by Committee on 3<sup>rd</sup> December 2003 under reference 3/03/1069/FP, subject to a number of conditions, including the above occupancy condition. Permission was granted for the dwelling to provide residential accommodation for the Barnes family as well as a site manager and staff.
- 2.5 An application to vary Condition 9 of this permission, which required the demolition of an existing cabin, was subsequently refused on 15<sup>th</sup> June 2005 under reference 3/05/0762/FP.
- 2.6 A Certificate of Lawful Use was then submitted on 29<sup>th</sup> January 2007 to seek confirmation that the dwelling was not being occupied in breach of this condition, following enforcement action. A Certificate was subsequently granted (under reference 3/07/0190/FP) stating that on the date of the application the dwelling was still occupied by persons employed in the management or running of the equestrian centre.

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- 2.7 A double garage was recently approved to be used in connection with this dwelling under reference 3/08/0776/FP, following an earlier refusal.
- 2.8 Permission has also recently been granted for a new access to the dwelling from White Stubbs Lane (reference 3/08/1715/FP).

### **3.0 Consultation Responses**

- 3.1 County Highways do not wish to restrict the grant of permission.
- 3.2 The Broxbourne Woods Area Conservation Society do not object to this application alone; however they are concerned that it would be used to establish the principle of redevelopment of the adjacent equestrian site.
- 3.3 The Campaign to Protect Rural England object on the grounds that the removal of the occupancy condition should not be permitted until the issue of a possible alternative use has been resolved. Policy GBC6 of the East Herts Local Plan states that applications to remove an occupancy condition will only be granted in exceptional circumstances and that evidence will need to be submitted to prove that there is no agricultural, forestry or other rural-based occupational need for the dwelling, having regard to need in the area as a whole, not just the particular holding. This requirement to demonstrate that a suitable alternative use for the site has not been met.
- 3.4 The Council's Housing Development Manager advises that the dwelling would not be appropriate for affordable housing.

### **4.0 Parish Council Representations**

- 4.1 Brickendon Liberty Parish Council support the application.

### **5.0 Other Representations**

- 5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.
- 5.2 1 letter has been received from Paradise Wildlife Park in support of the application. They consider that there are very special circumstances, and these proposals will improve the overall look of the locale and create good quality housing on what must be deemed as a brownfield site. The current facilities are very dilapidated and are in need of urgent redevelopment.

## **6.0 Policy**

6.1 The main policy considerations relevant to this application are East Herts Local Plan Second Review April 2007 policies:-

- SD2 Settlement Hierarchy
- GBC1 Appropriate Development in the Green Belt
- GBC6 Occupancy Conditions

6.2 Government Guidance is also provided in the following documents:-

- PPS1 Sustainable Development
- PPG2 Green Belts
- PPS7 Sustainable Development in Rural Areas

## **7.0 Considerations**

The main issue in this case is whether exceptional circumstances exist to allow for the removal of this occupancy condition in accordance with policy GBC6 and Government guidance set out in PPS7. The condition was put in place as the Local Planning Authority would not normally grant permission for a dwelling other than is essentially required to provide supervision of the horses within the equestrian centre.

7.1 Policy GBC6 sets out that planning applications to remove an occupancy condition will only be granted in exceptional circumstances. Evidence will need to be submitted to prove that there is no agricultural, forestry or other rural-based occupational need for the dwelling, having regard to the area as a whole, not just the particular holding, and a contribution to meeting local affordable housing needs in the area could not be made by the dwelling.

7.2 Evidence has been submitted to indicate that the equestrian centre has declined significantly since 2005 and there is currently no livery on site; however the equestrian centre does still exist and could possibly be resurrected at any time by either current or future owners. The recent granting of a Certificate of Lawful Use confirmed that the equestrian centre was still considered to exist on the 29<sup>th</sup> January 2007, when only one horse was kept at pasture, and there has been little change in circumstances since this time. The management and running of the equestrian centre therefore continues.

7.3 However, the condition was originally put in place to provide for adequate supervision of horses, and it is noted that there is currently limited need for supervision of horses given the decline of the equestrian centre. However, insufficient evidence has been submitted to prove that the site is not marketable as an equestrian site. A letter from Savills estate agents has been submitted to confirm that there have been no offers to purchase the

site due to it apparently proving unviable for the current owners. However, no evidence of this marketing has been submitted, and no information has been submitted to indicate the price at which the property was marketed (this has been blacked out in the Savills correspondence). Officers are therefore not satisfied that the equestrian use cannot be resurrected, and that the occupancy condition is no longer necessary.

- 7.4 Policy GBC6 also refers to the need to submit evidence to prove that there is no other agricultural, forestry or other rural based occupational need for this dwelling in the surrounding area. No evidence has been submitted to indicate that such marketing has taken place. The site lies in an area that is particularly popular for equestrian uses where there is considered to be a consistent demand for associated manager accommodation, and nearby liveries have grown and proved successful. It is therefore desirable that this site continues to meet this need, reducing the demand for development elsewhere within the Green Belt. Members may recall that permission was granted recently for a worker's dwelling at Ashdene Stud, located further west along White Stubbs Lane (3/08/1080/FP).
- 7.5 Finally, it is not considered that the dwelling could make a contribution to local affordable housing needs in the area due to the sheer size of the property and its remoteness from existing settlements and services. This has been agreed by the Council's Housing Development Manager.

## **8.0 Conclusion**

- 8.1 Overall, it is the Officer's view that insufficient evidence has been submitted to prove that a functional need no longer remains for the dwelling to be occupied by those employed in the management or running of the equestrian centre, or by those employed in any other rural business in the surrounding area.
- 8.2 The application is therefore recommended for refusal for the reason set out above.