

3/09/0190/OP – Redevelopment of Birch Farm Equestrian Centre, limousine storage barn and former kennels of Enfield chase hunt with four detached dwellings and double garage at Birch Farm, White Stubbs Lane, Broxbourne for Mr. & Mrs. Barnes.

Date of Receipt: 09.02.09

Type: Outline

Parish: BRICKENDON LIBERTY

Ward: HERTFORD HEATH

RECOMMENDATION

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

1. The application site lies within the Metropolitan Green Belt as defined in the East Hertfordshire Local Plan wherein permission will not be given except in very special circumstances for development for purposes other than those required for mineral extraction, agriculture, small scale facilities for participatory sport and recreation or other uses appropriate to a rural area. No such special circumstances are apparent in this case that clearly outweigh the harm, and the proposal is therefore contrary to policy GBC1 of the East Herts Local Plan Second Review April 2007.
2. The indicative layout, building forms and upper height limit set out in the outline parameters represent a form of development that is out of keeping with the form and grain of development in the surrounding area, and the landscape character of the area contrary to policies ENV1 and GBC14 of the East Herts Local Plan Second Review April 2007.

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1.0 Background

- 1.1 The application site is shown on the attached OS extract and comprises an equestrian centre and redundant kennels (under separate ownership) located on the southern side of White Stubbs Lane, opposite Paradise Wildlife Park. The overall site area is approximately 1 hectare. The site lies within the Metropolitan Green Belt.
- 1.2 The equestrian centre comprises a large barn now used for storage of limousines with 21 no. stables adjacent, 2 no. other stable buildings with tack room and feed stores, various other store room structures, a hay barn, a canteen/toilet block portacabin, 2 no. office portacabins, 2 no. caravans, and former hunt kennel buildings, the latter of which are under the ownership of Mr. Ferraro who resides in The Cottage, White Stubbs Lane. In total the site currently comprises 48 no. stables.

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- 1.3 Beyond the application site to the west and south is a further 13 ha of land owned by Mr. Barnes, used for grazing, with a number of manages, and woodland further west. The main dwelling, Barnes Hall Manor, lies just west of the application site currently with shared access through the equestrian centre, although a separate access onto White Stubbs Lane has recently been approved.
- 1.4 The kennels were previously occupied by Enfield Chase Hunt, but were vacated in 2004 when hunting became illegal. The kennels land, owned by Mr. Ferraro, is land-locked by land owned by Mr. Barnes. This application therefore takes a joint approach in re-developing both sites. Notice has been served by the applicant on Mr. Ferraro albeit he is not the applicant.
- 1.5 This application proposes to demolish all existing equestrian and kennel buildings, and construct 4 no. 4-5 bed detached dwellings with garages. The application is in outline form with all matters reserved except for access.
- 1.6 An indicative layout has been submitted which shows the 4 dwellings in a loose knit formation around a central access drive. The dwellings are proposed within well-landscaped plots with gardens up to 50m long. An indicative elevation drawing has also been submitted to show a farmhouse style dwelling with a gable pitched roof up to 8.5m high. It is also proposed to provide a high level of insulation, a grey water recycling system, and Klargester bio disc sewage systems.
- 1.7 This report should be read in conjunction with that for application 3/09/0187/FP which proposes to remove Condition 8 of permission 3/03/1069/FP, restricting the occupancy of the dwelling to those employed in the management or running of the equestrian centre.

2.0 Site History

- 2.1 Retrospective planning permission was granted in 1968 for conversion of the large barn to an indoor riding school, erection of 24 loose boxes and the retention of two prefabricated buildings as office/tack room/store (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, with substantial investment. Permission was granted in 1998 (our reference 3/98/0883/FP) for the erection of 12 new

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stables, 9 replacement stables, an additional manège and extra parking, although this permission has not been fully implemented.

- 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 a detached dwelling (now known as Barnes Hall Manor) was granted in 2003 under reference 3/03/1069/FP, subject to an occupancy condition.
- 2.5 An application to vary Condition 9 of this permission, which required the demolition of an existing cabin, was subsequently refused on 15th June 2005 under reference 3/05/0762/FP.
- 2.6 A Certificate of Lawful Use was then submitted on 29th 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.
- 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).
- 2.9 There is little planning history for the kennels. Permission was recently sought for a conversion of the redundant kennel building to live/work accommodation (reference 3/08/1882/FP); however this was withdrawn prior to determination.
- 2.10 Officers were approached in June 2008 to query a residential redevelopment of this site, and a fundamental objection was raised on Green Belt grounds.

3.0 Consultation Responses

- 3.1 County Highways do not wish to restrict the grant of permission subject to conditions. In traffic generation terms the proposal will be less intensive than the previous approved uses. The proposal makes use of an established access onto White Stubbs Lane, which is of sufficient width, construction and alignment. Visibility to the right for drivers emerging from the access is somewhat restricted by the existing trees and undergrowth but

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the applicant has produced a plan 99-08.1A indicating improvements to visibility but retaining as far as possible the mature trees. Highways are in agreement with this approach.

- 3.2 The Council's Landscape Officer recommends refusal of the application on the grounds that the proposal will harm the surrounding landscape character which is typified by 'scattered farms'. Whilst there will be some positive features of the development, such as new planting, the character of the area should be given due weight and emphasis.
- 3.3 Environmental Health raise no objection subject to conditions.
- 3.4 The County Council's Archaeological Officer believes the proposal is unlikely to have an impact upon significant archaeological deposits, structures or features. However, she advises that the eastern hedged boundary of the site forms part of an extensive system of co-axial trackways and field and woodland boundaries of medieval or earlier date. It would be desirable to make provision by some means to ensure the historic importance of the boundary is recognised and conserved.
- 3.5 The Broxbourne Woods Area Conservation Society object to this large redevelopment on the principle of an inappropriate development within the Green Belt. The site is within a few hundred yards of a recent similar development at White Stubbs Farm. Also one of the main reasons given in the report for seeking this new redevelopment, the completely inappropriate enormous expansion of the Paradise Park, will surely illustrate that further conversion and new building of houses in the Broxbourne Woods area is bound to have an impact on the access, peace, tranquillity and enjoyment of Broxbourne Woods.
- 3.6 The Campaign to Protect Rural England object on the grounds that the case for very special circumstances is not made. The expansion and activities at Paradise Wildlife Park is not, in itself, a valid reason to overturn both local and national planning policies. The case which is presented on the viability of the business applies to many rural businesses and is not unique to this site. Again that is not a valid reason to overturn policy. The application does not demonstrate that attempts have been made to develop alternative employment uses on the site, nor does it recognise how the proposals will meet the criteria for affordable housing.
- 3.7 The Herts & Middlesex Wildlife Trusts advise that the location of this development is adjacent to an identified Wildlife Site (Coldhall Green and White Stubbs Lane, 71/033), a road verge dominated by semi-improved neutral grassland with species rich hedges. The Trust wishes to seek assurances that the integrity of the Wildlife Site is protected from any

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indirect effects associated with this development. Conditions are therefore recommended to control the storage of materials and vehicles, to restrict removal of vegetation between 1st March and 31st August, to use native species in landscaping, and to require submission of a bat mitigation scheme.

- 3.8 The Hertfordshire Biological Records Centre note that the proposed development does not include any form of new or altered access and as a result the proposed works should not have any detrimental impact on the Wildlife Site, however a number of trees are to be removed and it is possible that these trees may support breeding birds and roosting bats. Conditions are therefore recommended.

4.0 Parish Council Representations

- 4.1 Brickendon Liberty Parish Council support the application which they feel will be an improvement of the site.

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
 - GBC14 Landscape Character
 - TR2 Access to New Developments
 - TR7 Car Parking – Standards
 - TR20 Development Generating Traffic on Rural Roads
 - EDE2 Loss of Employment Sites
 - ENV1 Design and Environmental Quality
 - ENV2 Landscaping
 - ENV10 Planting New Trees
 - ENV11 Protection of Existing Hedgerows and Trees
 - ENV14 Local Sites

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BH1	Archaeology and New Development
LRC1	Sport and Recreational Facilities
IMP1	Planning Conditions and Obligations

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

7.1 The main considerations in the determination of this application are the principle of development, the appropriateness of the access and highway implications, and landscape, ecological and archaeological considerations.

Principle of Development

7.2 The site lies in the Metropolitan Green Belt wherein the construction of new dwellings constitutes inappropriate development. This is acknowledged by the applicant, and reasons are therefore put forward to make a case for very special circumstances.

7.3 The equestrian centre has declined rapidly since 2003 and currently provides no livery or riding school. The occupation of the stables peaked in 2001 at 54 horses, of which 35 were livery and 19 used to teach riding, but the riding school closed down in 2003 following two compensation claims. The stables have since been marketed to let in Horse and Hound magazine and local advertisements throughout 2006 and 2007, but with no interest in taking on this level of accommodation.

7.4 The applicant sets out that the equestrian centre has declined due to increased costs in a climate of declining demand. Commercial rates have increased drastically in recent years, and although the rates are currently reduced due to a lack of livery, it is stated that it would be necessary for 20 of the 47 stables to be taken as full livery, preferably 24 simply to cover the rates overheads.

7.5 Energy costs and food and bedding costs have also increased, as have insurance costs due to a rise in 'claim culture' in the last 5 years. Coupled with this has apparently been a decline in popularity for horse riding as a leisure activity, particularly in the current economic climate.

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- 7.6 Supporting information is also provided on impacts of recent legislation, also resulting in increased costs. This includes the re-classification of horse manure as industrial waste subject to The Controlled Waste Regulations 1992, The Animal Welfare Act 2006 which requires livery yards to be licensed by the Local Authority, Horse Box Licensing since January 2008, and on-going Health and Safety Legislation.
- 7.7 Whilst these costs are certainly circumstances to consider, and the effects are unfortunate, it is considered that these are wider issues experienced by others in the livery business, and are not particular to Birch Farm. It is therefore not considered that these constitute very special circumstances to allow for a redevelopment of this scale.
- 7.8 The applicant also sets out that the expansion of Paradise Wildlife Park as a large leisure venue is a reason for the decline of the equestrian centre. It is argued that the expansion of the Park has resulted in a significant increase in traffic generation which renders White Stubbs Lane unsafe for horse riders, and difficult to access Birch Farm in busy periods due to queuing traffic. As there is no direct access from Birch Farm onto the bridleway network through Broxbourne Woods, riders are unable to avoid White Stubbs Lane.
- 7.9 An overflow car park at Paradise Wildlife Park has also recently been granted permission which borders Mr. Barnes' land on three sides. This alarmed grazing horses and apparently poor surfacing has caused polluted run-off to damage grazing land. There is also a question over a shared access onto the site which is apparently restricted by Paradise Park.
- 7.10 Another reason set out for the decline of Birch Farm is the development of the East Herts Equestrian Centre at Elbow Lane, Hertford Heath. This centre now comprises 67 stables and purpose built facilities with 100 acres of pasture and 25 acres for off-road hacking. Issues over quad biking in the area are also put forward as a reason to allow for a redevelopment of Birch Farm.
- 7.11 Overall, based on the submitted information, it may be that an equestrian centre is no longer viable on this site; however none of these issues are considered to constitute very special circumstances to allow for such inappropriate development in the Green Belt. This part of East Herts has proven to be popular for equestrian uses and a site with tied occupancy accommodation should in the long run be attractive if properly marketed.

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- 7.12 Further, the replacement of a number of single storey structures with 4 no. dwellings of 8.5m in height would ultimately harm the openness of the Green Belt. It is noted that the entrance to the site would be opened up by removal of the large barn; however the appearance of this barn is in-keeping with the surrounding rural area. The construction of such large detached dwellings in place of relatively unobtrusive equestrian buildings is therefore considered to be harmful to the integrity of the Green Belt.
- 7.13 It is noted that there is intended to be an overall reduction in floorspace in demolishing the existing buildings and erecting 4 no. new dwellings. The overall built proportion of the site would therefore be reduced, and the demolition of these buildings (including run-down portacabins and caravans), and tidying up of the site could be also be considered to be an improvement. The site would also be well landscaped with a number of new trees proposed in the indicative layout. However, none of these reasons are considered to be sufficient to override Green Belt policy and allow such inappropriate development in this location.

Loss of Employment Site

- 7.14 The redevelopment of this site for residential purposes would result in the loss of an employment site contrary to Policy EDE2 of the Local Plan. However, it is noted that given the decline of the equestrian centre there is currently only one person working on site, Mr. Barnes himself. Whilst it is noted that a number of other workers would have been employed on site during the peak of the equine business, it is not considered that the loss of this site for employment purposes would cause undue harm to the economic vitality of the surrounding area, although re-use of the site for alternative employment uses would assist rural diversification. The proposal is therefore considered to be acceptable in this regard.
- 7.15 However, this does not preclude the need to first consider other commercial, leisure, tourism or community uses for the existing buildings in order to comply with policy GBC9 'Re-Use of Rural Buildings'. The site has apparently been marketed for alternative uses since 2007; however this has been a 'low key' marketing exercise with no evidence of local or national advertising. Three commercial parties have shown an interest, but decided not to pursue due to concerns over security, external storage, damp, and size and condition of the buildings.
- 7.16 However, Officers do not consider this limited exercise to be conclusive that the existing buildings cannot usefully be re-used. Alterations could be made to the buildings without the need for planning permission to improve their condition, and the quality, appearance and security of the site could be significantly improved.

Loss of Recreation Facility

7.17 Policy LRC1 seeks to discourage the loss of public or private sports and recreation facilities unless suitable alternatives are provided or it can be demonstrated that the facility is no longer needed. In this case it is noted that the site has now proved unviable for an equestrian facility, and there are a number of alternative facilities in the vicinity of this site. The application is therefore considered to be acceptable in this regard.

Access

7.18 Access is the only reserved matter for which permission is currently sought. This will utilise the existing established access from White Stubbs Lane into Birch Farm, which is currently shared by The Cottage and Barnes Hall Manor. The access is of sufficient width, construction and alignment to serve a residential development, and as such Highways have not objected to the proposal. Further, in terms of traffic generation, the proposed use will be less intensive than the established use, not resulting in a proliferation of traffic on this rural road network in accordance with Policy TR20.

7.19 Conditions are recommended, however, to extend visibility splays to 2m by 160m as shown on the submitted drawings, to provide further details on the surfacing of on-site vehicular areas, and to provide wheel washing facilities to prevent mud being brought into the highway.

Landscape & Character

7.20 Although landscaping is a reserved matter, consideration must be given as to whether 4 no. detached dwellings could be accommodated on site without undue harm to trees. A full Tree Survey and Report has been undertaken and submitted in relation to trees along the east and north boundaries of the site, and no objection has been raised from our Landscape Officer. The site is of such a size that 4 no. dwellings could satisfactorily be accommodated without harming these trees. Full details of hard and soft landscaping of the site would be a requirement on any reserved matters application.

7.21 The Council's Landscape Officer has objected on the grounds of impact on the surrounding Landscape Character Area. The site lies within Area 57 'Thunderfield Ridges', which is characterised by a "small-scale mixture of woodland and pasture with limited 19th and 20th century development". It is also stated that settlements take the form of "isolated farmhouses or linear bands of houses along the few lanes." Extensive tree planting is proposed in this application, and can be required through a reserved matters application or planning condition.

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7.22 An indicative layout has been submitted which details a residential cul-de-sac of large detached dwellings. This is a suburban arrangement which is considered to be at odds with the distinctive pattern of development in the area, comprising mainly isolated farmhouses and a few linear lines of dwellings. Although this layout is only indicative, the provision of these large detached dwellings in this form is considered to conflict with the surrounding rural landscape and character contrary to policies ENV1 and GCB14.

Ecology

7.23 A Wildlife Site exists along the northern boundary of the site, along the verge of White Stubbs Lane. No objection has been raised from ecological advisers subject to mitigation measures that could be required by way of condition. The proposal would therefore result in no adverse harm to local wildlife.

Archaeology

7.24 In terms of archaeology, no objection has been raised by the County Council Archaeological Officer. The proposal is unlikely to result in harm to archaeological deposits. However, historical importance of the eastern boundary hedgerow has been raised, which could be controlled by way of a condition.

8.0 Conclusion

8.1 Overall, although the submitted access arrangements are considered to be acceptable, Officers are not convinced that such very special circumstances exist to override Green Belt policy to provide 4 no. large detached dwellings in this location. The principle of development is therefore considered to be unacceptable.

8.2 The indicative layout and building forms set the design principles of the outline application. These indicate a form of development that is more intrusive over a greater proportion of the site, and one that is at odds with the landscape character of the site and surroundings.

8.3 The application is therefore recommended for refusal for the reasons set out above.