

3/09/1889/FP - Retrospective change of use from agricultural to stud farm and training yard with barn/storage (alteration to design and layout to that approved under 3/82/0907) and proposed manege at Edgewood Farm, Broxbourne Common, EN10 7QS for Mr. David Feltham.

Date of Receipt: 23.11.2009

Type: Full - Minor

Parish: BRICKENDON LIBERTY

Ward: HERTFORD HEATH

RECOMMENDATION

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

1. Three year time limit (1T12)
2. Within 3 months of the date of this decision, the exterior of the barn shall be completed in accordance with external materials of construction and finish that shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the development, and in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

3. Programme of archaeological work (2E02)
4. Lighting details (2E27)
5. Landscaping design proposals (4P12 – b,c,d,e)
6. Landscape works implementation (4P13)
7. Prior the commencement of development, a section drawing showing construction of the manege shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those approved details.

Reason: In the interests of the appearance of the development, and in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

Directives

1. Other legislation

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies SD2, GBC1, GBC11, GBC14, TR20, ENV1, ENV2, ENV11, BH1, BH2, BH3. The balance of the considerations having regard to those policies is that permission should be granted.

_____ (188909FP.HS)

1.0 Background

- 1.1 The application site is shown on the attached OS extract and comprises a site area of approximately 5.4ha. The land is currently in equestrian use with two existing barns (one of which forms the subject of this application), various paddocks and a residential dwelling known as The Bungalow located to the east.
- 1.2 The site is located in the Green Belt, set amongst scattered dwellings and farmsteads. Paradise Wildlife Park is located to the west. Land to the east of the site comes under the jurisdiction of Broxbourne Borough Council.
- 1.3 This application is retrospective for a barn measuring approximately 17.5m by 19m (a total footprint of approximately 334m²), with a pitched roof to a maximum height of 7m. Retrospective consent is also sought for the equestrian use of the land with a proposed manege measuring 40m by 60m.
- 1.4 The application has been brought to Committee as a departure from the adopted Local Plan.

2.0 Site History

- 2.1 This site is the subject of a lengthy planning history, and Members may recall that planning permission was refused in April 2009 for retention of the barn (3/09/0106/FP), and authorisation had previously been given to take enforcement action in December 2006.
- 2.2 Permission was originally granted in 1982 for an agricultural building in this location (3/82/0907/FP) to be used as calving pens and a hay store. This was subject to a condition that the building be used solely for the purposes of agriculture. Although works started on construction, the majority of the building was not constructed until 2006, and was therefore brought to the attention of our Enforcement team. It then became apparent that the barn had not been built in accordance with the approved plans.

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- 2.3 Prior to the construction of the barn in 2006, permission was refused in December 2004 (3/04/2151/FP) for the demolition of the existing stable complex and erection of new stables and hay barn on Green Belt and landscape grounds. The site was located within a Landscape Conservation Area – a designation that has since been removed from the Local Plan. These stables had a larger footprint of approximately 450m², but a lower pitched roof up to 5m high. The stables were proposed to be located to the east of the original barn. An appeal was lodged against this refusal, but was subsequently withdrawn.
- 2.4 A retrospective application for the barn was first submitted under reference 3/07/0067/FP following authorisation from Committee to issue an Enforcement Notice. This application was refused in March 2007 as inappropriate development in the Green Belt, a lack of agricultural necessity, and harm to the openness of the Green Belt.
- 2.5 An appeal against the Enforcement Notice was then withdrawn and a Certificate of Lawful Development submitted (3/07/2062/CL) for the lawful start and subsequent completion of the building approved under the 1982 permission. This was refused on the grounds that although some works had commenced on site prior to the five year expiry date, the completed barn was larger, and differed so significantly in design from the 1982 permission that the permission was deemed to have been lost. No appeal was lodged against this decision, or the previous refusal to grant planning permission.
- 2.6 A further retrospective application for the barn was submitted under reference 3/08/1248/FP, and later withdrawn by the agent as Officers were recommending refusal on the same grounds as the previously refused application (3/07/0067/FP).
- 2.7 Application 3/09/0106/FP was then submitted for the same barn with proposed timber cladding. This was refused by Members 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, and the proposal would therefore be contrary to policy GBC1 of the East Herts Local Plan Second Review April 2007.

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2. The Local Planning Authority is not satisfied of the overriding agricultural necessity for the retention of this building or that it meets the provisions of PPS7 'Sustainable Development in Rural Areas'. The development would thereby be contrary to policy GBC1 of the East Herts Local Plan Second Review April 2007.
 3. The storage barn, by reason of its siting, size and scale is harmful to the openness in this part of the Metropolitan Green Belt contrary to Policy GBC1 of the East Herts Local Plan Second Review April 2007 and PPG2 'Green Belts'.
- 2.8 This current application proposes to retain the same barn building, but the applicant now seeks to justify the development as an essential facility for a stud farm and training facility for which a change of use is also sought. Consideration therefore needs to be given as to whether there are very special circumstances to justify the development in the Green Belt.

3.0 Consultation Responses

- 3.1 Environmental Health do not wish to restrict the grant of permission.
- 3.2 County Archaeology advise that the construction of the manege may have an impact upon significant archaeological remains given its proximity to Roman Ermine Street. A condition is therefore recommended to require a programme of archaeological work to be undertaken.
- 3.3 The Council's Landscape Officer recommends consent subject to conditions. He states that there will be "no impact on trees, and that views of the proposed development site from outside are restricted by woodland, boundary hedgerow and close boarded fencing. No objection to the principle of a change of use from agricultural to stud farm and training yard, and it is good to see that the cattle will remain as an integral part of the correct management of the grassland. The description of the manege on page seven of the planning statement is fairly clear and this is supported by the Base Specification provided in Appendix 1.
- 3.4 "It is not obvious, however, how deep the excavation to remove topsoil is intended, and this will affect the finished level for the manege within the 400mm high proposed retaining wall. A suitable section to show the construction detail would clarify this. There also needs to be some thought about how the horses will enter the manege area and whether a ramp need be provided to overcome the 400mm step. The proposed post and rail fence around the edge of the manege area is ok, but the timber retaining wall will be prominent, and likely to deteriorate in appearance over time. It may be worth considering whether a low hedge (to conceal this) at e.g. 600mm high or so would improve the overall and long term appearance of the proposals.

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3.5 “There are no details for hard landscape works associated with the new barn / stables and impermeable surfaces are required at access points and to facilitate washing down / mucking out etc. Turning circles for horse boxes and provision for visitor parking / deliveries could also be given some thought.”

3.6 The Borough of Broxbourne Council has no objection to the proposed development.

4.0 Parish Council Representations

4.1 Brickendon Liberty Parish Council have no objections to 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 No letters of representation have been received.

6.0 Policy

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

SD2	Settlement Hierarchy
GBC1	Appropriate Development in the Green Belt
GBC11	Riding Stables and Associated Development
GBC14	Landscape Character
TR20	Development Generating Traffic on Rural Roads
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV11	Protection of Existing Hedgerows and Trees
BH1	Archaeology and New Development
BH2	Archaeological Evaluations and Assessments
BH3	Archaeological Conditions and Agreements

In addition to the above it is considered that Planning Policy Statement 1, (Delivering Sustainable Development), Planning Policy Statement 7 (Sustainable Development in Rural Areas) and Planning Policy Guidance 2 (Green Belts) are considerations within this application.

7.0 Considerations

Principle of Development

- 7.1 The site lies in the Metropolitan Green Belt wherein planning permission will not be given for inappropriate development. Policy GBC1 states that appropriate development will include the provision of “essential small scale facilities for outdoor sport and recreation”. Further, the change of use of land and engineering operations in the Green Belt are appropriate development provided they maintain openness and do not conflict with the purposes of including land in the Green Belt.
- 7.2 This application proposes to change the use of the 0.45ha of land to equestrian use, for the breeding, breaking and training of Irish Draught Horses. This is a rare breed of horse with few blood lines, and is primarily used for dressage. It is noted that much of the land has been in equestrian use for up to 30 years, but the extent of the lawful use is not clear; hence this application is to regularise the use of the entire site. This change of use is considered to be acceptable in principle in the Green Belt as it will maintain openness, and therefore complies with policy GBC1. There would also be some ancillary agricultural activity, such as cattle grazing grass, which is in-keeping with the rural area.
- 7.3 However, in order to successfully facilitate this change of use, additional facilities are required. This includes sufficient space for stabling of the horses, storage of equipment, training space, a manege, and paddocks. The applicant has set out a full justification for the associated development within the submitted planning statement and a further report to justify the retention of the barn by Simon Broke of Strutt and Parker (dated July 2009).
- 7.4 The proposed manege will measure 40m by 60m and will be formed by the cutting of sub-soil to provide a level formation with compacted stone and drainage beneath a synthetic riding surface. The structure will include a 400m retaining wall and will be kept by a post and rail fence. I consider this to amount to an engineering operation rather than a new building, and is therefore considered to constitute appropriate development as it maintains openness and does not conflict with the purposes of including land in the Green Belt. The manege is therefore considered to be acceptable in principle.
- 7.5 The main issue therefore relates to the principle of the barn that has been refused on two previous occasions. Previous applications have been refused on the grounds of insufficient agricultural justification for the building. It is now proposed to use the barn for equestrian purposes to establish the site as a stud farm, and a full justification has been put forward to support the retention of this barn.

- 7.6 The applicant maintains that the barn is an essential small scale facility for outdoor sport and recreation, and therefore appropriate development in the Green Belt. A Counsel Opinion has also been sought and submitted by the applicant, confirming that stud farms fall within the scope of outdoor sport and recreation, and this is not disputed by Officers. The remaining issue is whether the building is 'essential' and 'small scale'.
- 7.7 On the basis of the information now submitted, and in particular the report by Simon Broke, Officers now consider the barn to be an essential facility for the equestrian use. It provides necessary accommodation for the horses, along with further storage space for feed, hay and bedding, along with storage of essential and valuable equipment and machinery. The applicant currently owns 7 no. Irish Draught horses and proposes a breeding programme to support the stud. The site could also support approximately 15 no. cattle which could also be housed in the barn in inclement weather or in times of illness.
- 7.8 It is noted that there is an existing lawful barn on site that provides for 3 no. loose boxes and a large foaling box, together with a tack room, feed room and washing facilities, with a storage area above for hay and feed. However, the new barn provides additional necessary accommodation. Simon Broke's report confirms that "if one was setting out today to provide the necessary building for the proper functioning of Edgewood Farm as a stud and training establishment, this would be the correct siting, design and materials to use." Further, he concludes that "it is essential for the future and continued success of this small rural business that the building as currently partially constructed should be completed..." Officers therefore consider that the building has been justified as an essential facility for the proper functioning of the stud farm.
- 7.9 However, Officers do not consider that the barn, measuring 17.5m by 19m in footprint and 7m in height, can reasonably be considered to be 'small scale'. For this reason the barn is considered to amount to inappropriate development in the Green Belt and very special circumstances must be demonstrated to override the harm caused by reason of inappropriateness. On the basis of all the information and justification submitted, and the need for the building for the proper functioning of the stud farm, Officers consider that such very special circumstances do exist in this case.

Scale and Layout

- 7.10 The scale and design of the barn remains the same as the previously refused applications. However, the size of the barn has now been justified as necessary to support the functioning of the stud farm, and to provide adequate space for keeping the horses, hay, feed and equipment. The

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height of the building is also stipulated by the machinery required to work the site. Overall, the barn has been assessed by Simon Broke as the minimum size necessary for this sized stud farm.

- 7.11 When compared to the previously approved (1982) barn, the constructed barn is approximately 0.5m higher, 1m wider and 1m longer. Its footprint is therefore approximately 40m² larger. The eaves of the roof have been reduced, and the building turned 90° to respect the ridgeline of the existing lawful barn. This also provides for good natural ventilation and provides outlooking views for the animals. Overall, Officers consider that whilst this building is large and impacts on the openness of the Green Belt, views of the barn are restricted, and the justification for the barn is now considered to be sufficient to outweigh the harm.
- 7.12 The barn is currently formed of block work to the lower part with timber cladding above. It is proposed to finish the entire building in timber cladding, and Officers consider that this would appear more in-keeping with the surrounding rural area. A condition is therefore recommended to require this work to be undertaken within a period of 3 months, with the timber boarding finished to the satisfaction of Officers.

Landscaping

- 7.13 The proposed development will have no impact on existing trees or hedgerows, or the landscape character of the surrounding area. The site is maintained on most boundaries by mature hedges and close boarded fencing with a number of trees. This will remain as screening for the development. Views into the site are therefore restricted, and the development will maintain a sense of containment that is characteristic of this Landscape Character Area.
- 7.14 Limited information has been submitted on the proposed hard and soft landscaping of the site. A condition is therefore recommended to require full details, in particular details of hard-standings and parking areas. The Council's Landscape Officer has raised no objection to the proposal subject to conditions requiring further details. Officers do not consider that any additional planting would be necessary in this case. The Landscape Officer has suggested a low hedge to the manege; however this is sufficient screening around the existing site. A section drawing of the manege will also be required.

Access and Parking

- 7.15 There will be no change to existing access arrangements and sufficient parking is available on site. The applicant anticipates that there will be an additional two part-time members of staff, but this will not significantly

increase the parking provision or frequency of movements. Further, it is not anticipated that the proposed use would generate a significant volume of traffic movements in the rural lane. The proposal is therefore considered to comply with policy TR20.

Archaeology

- 7.16 The site lies within an Area of Archaeological Significance in close proximity to the Roman Ermine Street. Whilst the retention of the barn will have no impact on archaeological remains, the construction of the manege could have a significant impact. A condition is therefore recommended to require a programme of archaeological work to be submitted and approved prior to the commencement of development.

8.0 Conclusion

- 8.1 Overall, Officers consider the proposed change of use and manege to constitute appropriate development in the Green Belt with no harmful impact on the character or appearance of the surrounding rural area.
- 8.2 The retention of the barn for equestrian use is considered to be an essential facility for outdoor sport and recreation, but is not considered to be a small scale facility. It is therefore being assessed as inappropriate development in the Green Belt. The barn had previously been refused on the grounds of a lack of justification for agricultural use and its impact on the openness of the Green Belt. The applicant has now presented a full justification for retention of this building in connection with the use of the site as a stud farm. Based on this information, and comparing the barn to that previously approved in 1982, Officers are now satisfied that very special circumstances exist to outweigh the harm caused by inappropriateness.
- 8.3 The application is therefore recommended for approval subject to the conditions set out above.