

3/10/0512/OP – Demolition of all existing structures and residential redevelopment at Birch Farm and Hunt Kennels, White Stubbs Lane, Broxbourne, EN10 7QA for Mr and Mrs L. Barnes.

Date of Receipt: 22.03.10

Type: Outline - Major

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 scale and layout of the building forms set out in the outline parameters represent a form of development that would erode the openness of the Green Belt and the landscape character of the surrounding area contrary to policies ENV1 and GBC14 of the East Herts Local Plan Second Review April 2007.

_____ (051210OP.HS)

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 site lies within the Metropolitan Green Belt. The overall site area is approximately 1 hectare. An additional plot of land is hatched green on the indicative layout drawing; however this does not currently form part of the application site. It is intended that this land would be incorporated as garden land should permission be forthcoming, but this would have to be subject to a further application. The applicant has confirmed that there is no intention of applying for additional built development on this parcel of land.

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- 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 the occupier of The Cottage, White Stubbs Lane. In total the site currently comprises 48 no. stables. It is proposed to demolish all existing buildings and structures as part of this application.
- 1.3 Beyond the application site to the west and south is a further 13 ha of land owned by the applicant, used for grazing, with a number of manèges, and woodland further west. The main dwelling, Barnes Hall Manor, lies just west of the application site with a separate access onto White Stubbs Lane recently constructed. Members may recall that permission was granted in July 2009 for this dwelling to be occupied unencumbered by an earlier occupancy condition (3/09/0187/FP). The surrounding area is characterised by dispersed large residential dwellings amongst commercial rural businesses.
- 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 the occupier of The Cottage, is land-locked by land owned by the applicants. This application therefore takes a joint approach in re-developing both sites. Notice has been served by the applicant on the owner of The Cottage. Permission was recently refused for a conversion of the redundant kennels to residential use (3/09/1995/FP) on the grounds that the building was not considered capable of conversion without substantial reconstruction, and that a residential use was not considered to be the only possible means to secure retention of the building. An earlier application had also been withdrawn (3/08/1882/FP).
- 1.5 This is the re-submission of an application to re-develop the site for residential purposes. Members may recall that outline permission was previously refused at Committee on 6th May 2009 (3/09/0190/OP) for 4 no. large detached dwellings. The scheme has since been redesigned; the indicative layout shows a replacement barn structure similar to that existing to the north of the site, and a courtyard of 1½ storey dwellings with a central grass sward and gravel yard.
- 1.6 Paddocks would be retained to the south of the site with access from the central courtyard. An indicative elevation drawing has also been submitted to show the main barn up to 7.8m high formed of weatherboard cladding and a slate tiled roof. The courtyard dwellings are shown to a maximum height of 7.8m with lower eaves and first floor dormer windows. It is also

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proposed to provide a high level of insulation, a grey water recycling system, and Klargestar bio disc sewage systems.

- 1.7 The exact number of units has not been specified in the application but it appears to be in the order of 5-6 no. units, each with garage parking. The indicative building layout would be capable of conversion into a greater number of units. However, the applicant has confirmed that the number of units would certainly be less than 10 and therefore not trigger planning obligation thresholds. The application is in outline form with all matters reserved except for access, as per the previously refused scheme.

2.0 Site History

3/09/1995/FP	Proposed conversion of existing redundant kennels into live/work accommodation - revised application	Refused 06-Mar-2010
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.	Refused 06-May-2009
3/09/0187/FP	Retention of dwelling without compliance with condition no 8 (equestrian occupancy) of planning permission ref 3/03/1069/FP.	Approved 29-Jul-2009
3/08/1882/FP	Proposed conversion of existing redundant kennels into work/live accommodation	Withdrawn 19-Dec-2008
3/08/1715/FP	New vehicular access onto White Stubbs Lane	Approved with Conditions 21-Nov-2008
3/08/0776/FP	Erection of double garage/outbuilding	Approved with Conditions 22-Jul-2008

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3/07/0190/CL	Occupation of dwelling not in breach of conditions of planning permission 3/03/1069/FP	Approved 01-Jun-2007
3/05/0762/FP	Variation of condition no.9 of 3/03/1069/FP: retention of existing cabin for office purposes	Refused 15-Jun-2005
3/03/1069/FP	Erection of dwelling	Approved with Conditions 03-Dec-2003
3/00/1253/FP	Change of use of indoor riding school to parking/storage of limousines and ancillary office use.	Approved with Conditions 18-Oct-2000
3/98/0883/FP	Erection of 12 new stables, 9 replacement stables, additional manège and extra parking.	Approved with Conditions 26-Aug-1998
3/92/0156/OP	Outline application for erection of a dwelling.	Approved with Conditions 09-Sep-1993
3/71/3751	Mobile home.	Approved
3/68/0096	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.	Approved

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 has been improved by the removal of a number of trees, and Highways are therefore satisfied that adequate visibility can be achieved without the need to remove further trees.

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- 3.2 The Council's Landscape Officer recommends refusal on the grounds that "the Landscape Character Assessment SPD makes a case for resisting the loss of rural character and field pattern to housing, and that this landscape is of significant historic value, the more so because it is still in traditional use. I recognise that this development proposal does not directly result in a change to or loss of field pattern since the actual site itself has been previously developed. The change of use, however, will have a negative impact on the character and local distinctiveness of this part of Area 57 by introducing housing development of a scale and type where none exists at present.
- 3.3 "It may be fair to say that similar arguments would have been made for the redevelopment of the southern part of this character area in favour of housing (outside East Herts District) and this has been criticised in the SPD. I therefore recommend the LPA exercise caution in the determination of this application by recommending refusal on landscape grounds, and to thus prevent continued erosion or diminution of this scarce landscape resource."
- 3.4 Environmental Health raise no objection subject to conditions on construction hours of working, air quality issues and contaminated land.
- 3.5 The 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, and this is now stated in the Design and Access Statement.
- 3.6 The Broxbourne Woods Area Conservation Society continue to object on the grounds of inappropriate development in the Green Belt. Concern that approval would set a precedent for another application for live/work accommodation on the adjacent site 3/09/1995/FP.
- 3.7 The Hertfordshire Biological Records Centre advise that demolition of all existing structures could have a detrimental impact on bats and their roosts. A bat survey should be undertaken and the presence of bats established prior to planning permission being granted.
- 3.8 Herts County Council advise that if the development is for less than 10 units then they would not seek any financial obligations. However, if a S106 is required, they would like the provision of fire hydrants to be included given the location of the proposal.

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3.9 The Council's Housing Officer advises that the site is unsuitable for affordable housing.

4.0 Parish Council Representations

4.1 Brickendon Liberty Parish Council support the application subject to the provision of affordable housing. They are concerned that the site and its crumbling buildings should be cleaned up and the latest planning application would do just that. The site meets the priority outlined in PPS3 for development of previously developed land in the Green Belt, and local plan policies. Design factors are of less concern than its appearance from White Stubbs Lane. A more traditional farm house appearance would be preferable to the 'ATCO' barn shape, and we would like that proviso to be mentioned if and when outline permission is granted.

5.0 Other Representations

5.1 The application has been advertised by way of press notice, site notice and neighbour notification.

5.2 The Campaign to Protect Rural England objects on the grounds that the previous reasons for refusal continue to apply. Very special circumstances have not been identified and there are no similar precedents. Removal of the occupancy condition does not mean that a residential use is the only viable alternative.

5.3 The NFU supports the application as it considers that the proposal fits within current planning policy to develop brownfield sites and also meets many planning policy requirements as detailed in the application, design and access statements. They feel that much care has been taken with the design to respect the current footprint, size and style and the result would compliment the surrounding area in a very natural way.

5.4 Ten letters have been received in support of the application (3 of which are from occupiers of premises at Paradise Park; 1 from Birch Farm itself; 1 from a former employee of Birch Farm and 4 from occupiers of Highfield Stables, White Stubbs Lane). They consider that there are very special circumstances, and these proposals will improve the overall look of the locality 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. A commercial re-use would generate more traffic to the site than this residential re-use and this scheme is therefore more sustainable. Similarities with a re-development at Potters Hall, Dane End, Ware are also raised.

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
ENV11	Protection of Existing Hedgerows and Trees
ENV14	Local Sites
ENV16	Protected Species
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
PPS3	Housing
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 a very strong policy restraint on the site. This is acknowledged by the applicant, and reasons are therefore put forward to make a case for very special circumstances. Such very special circumstances must be demonstrated that clearly outweigh the harm to the Green Belt by reason of inappropriateness, and any other harm.

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- 7.3 It is noted that the site can be defined as previously developed land, and PPS3 states that “the priority for development should be previously developed land, in particular vacant and derelict sites and buildings” (para 36). However, the definition of ‘previously developed land’ in Annex B clearly states that “there is no presumption that land that is previously developed is necessarily suitable for housing development nor that the whole curtilage should be developed.” Further, this does not supersede government guidance set out in PPG2 which sets strict controls over new development in the Green Belt.
- 7.4 Information on the decline of the equestrian centre and supporting justification had previously been submitted for applications 3/09/0187/FP and 3/09/0190/OP. Although this has not been re-submitted for this current application, this earlier information has again been taken into account in assessing this current application, and is repeated below for the benefit of Members.
- 7.5 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 were 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.
- 7.6 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.
- 7.7 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.
- 7.8 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.

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- 7.9 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.
- 7.10 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.
- 7.11 An overflow car park at Paradise Wildlife Park has also been granted permission which borders the applicants land on three sides. This alarmed grazing horses and apparently poor surfacing has caused polluted run-off to damage grazing land.
- 7.12 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.
- 7.13 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. Officers consider that marketing of the site at an appropriate price may find alternative commercial uses for the site which are less harmful.
- 7.14 In July 2009 permission was granted to remove the occupancy condition on Barnes Hall Manor because Officers and Members were satisfied that there was no longer a need for this condition to remain in place. Although the equestrian centre continues to exist and could be resurrected at any time, the condition was put in place in 2003 due to a demonstrated demand for supervision of the horses. It is true that the equestrian centre has declined, and that the need for 24h supervision no longer exists, hence the removal of the condition. However, this does not in itself imply that the site is no longer viable as an equestrian site; nor does it suggest that a residential redevelopment is the only option. The applicant submits that it would not be worthwhile pursuing the idea of holiday lets as others in the surrounding

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area have not managed to succeed. However, Officers consider that the site could still be re-occupied and used for alternative commercial uses in accordance with policy GBC9.

- 7.15 The applicant submits, however, that the existing buildings are not capable of conversion or retention due to various structural deficiencies. This is based on a report on a 'limited visual inspection' of the buildings by DRH Associates, which has been submitted in support of the application. This states that the main barn is beyond reasonable repair due to 'concrete cancer' and could cause damage to people and property in the barn. Council Building Control surveyors have confirmed that there are remedial solutions available to repair concrete, but this would obviously involve some cost.
- 7.16 The report concludes that in the opinion of DRH Associates the buildings are all beyond reasonable repair. However, there must some degree of interpretation in the word 'reasonable'. Overall, Officers do not consider that the contents of this limited visual inspection report should be a reason to allow for the proposed residential re-development. The buildings could be repaired with some investment and re-used for some commercial use. This should be reflected in the value of the site.
- 7.17 The applicant has also recently decided to close the limousine business. This is partly due to being diagnosed with a serious illness meaning he can no longer devote time to this business. Since September 2009, there is also a need to obtain a Public Service Vehicles licence for the limousines, which has imposed additional costs.
- 7.18 Overall, Officers consider that the replacement of a number of single storey structures with large 7.8m high courtyard buildings, each measuring up to 60m in length, would ultimately harm the openness of the Green Belt. Further, based on the submitted indicative layout drawing, there would not be any material decrease in the overall built footprint of the site. The construction of this new development in place of relatively unobtrusive equestrian buildings is therefore considered to be harmful to the overall openness and integrity of the Green Belt.
- 7.19 It is noted that the demolition of the existing buildings (including run-down portacabins and caravans), and general tidying up of the site could be considered to be an improvement. The site would also be well landscaped with extensive new tree planting proposed. However, none of these reasons are considered to be sufficient to override Green Belt policy and allow such inappropriate development in this location.

7.20 No financial appraisal of the costs of giving up the existing use and removing existing buildings has been submitted, with evidence to explain whether the amount of the proposed development has some regard to the minimum required to secure the enhancement of the site by its residential redevelopment. In the absence of such information, Officers do not consider that the very special circumstances can be demonstrated for development in the Green Belt contrary to national guidance. If the Council took the view that the principle of some residential redevelopment were acceptable, Officers consider that this should have regard to the amount of development necessary to secure the enhancement of the site. Officers would also anticipate that only a much more limited amount of building would be necessary than that being proposed in this instance and that much of the site could therefore be retained in open land uses or returned to equestrian /agricultural/woodland use providing greater planning benefits and a stronger justification for development.

Loss of Employment Site

7.21 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; the applicant 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.

7.22 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.

7.23 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

- 7.24 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

- 7.25 Access is the only reserved matter for which permission is currently sought, and this remains the same as the previous application. 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.
- 7.26 Conditions would be required, however, 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

- 7.27 Although landscaping is a reserved matter, consideration must be given as to whether the development 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 in this regard. The site is of such a size that the proposed development 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.
- 7.28 However, the Council's Landscape Officer has again 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."

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- 7.29 The landscape within which this site falls is notable for its rarity and distinctiveness. Area 57 states that “*The very distinctive northern half of this area is the only clearly visible example in southern Hertfordshire of a traditional co-axial field system. It is possible that this system is very old – there are examples elsewhere in the country that are known to be pre Roman – and is of significant historic value, the more so because it is still in traditional use, it is probably unique in the county and most unusual nationally. It seems likely that the area to the south was very similar, but much of this has now been lost to housing*”.
- 7.30 The Landscape Character Assessment also describes the immediate environs to the site as “...*The scale of landscape elements is mixed, with small fields and large blocks of woodland combining to give a sense of coherent visual unity in the northern half of this area which has been lost further south*”.
- 7.31 It would appear that new housing in the south of the landscape character area is rapidly obliterating a similar relic field pattern, and therefore further expansion of housing should be discouraged in this (the northern part) of the character area. Although the site comprises previously developed land, the proposed change of use is likely to further dissimilate the local distinctiveness of the surroundings. The development site currently displays the relics of recent traditional or equestrian use, which would be lost as a result of this development.
- 7.32 The indicative layout details a courtyard type development which takes the appearance of a more rural form of development with a detached building located at the entrance of the site, on the footprint of the main barn, which could be akin to a farmhouse. The previous application for 4 no. detached dwellings was more suburban in character and therefore this revised scheme is considered to be an improvement in this regard. However, the overall principle and scale of residential development in this location is considered to conflict with the surrounding rural landscape and character area contrary to policies ENV1 and GBC14.
- 7.33 Environmental improvements and additional planting would be welcomed; however it is not considered that this should occur only for a residential scheme, nor that this amounts to a very special circumstance to allow further erosion of the Green Belt in this location.

Ecology

- 7.34 Herts Biological Records Centre have objected to this current application on the grounds of a lack of bat survey. This was not raised as an issue in the earlier application (3/09/0190/OP) and as such it is not considered

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reasonable to introduce an additional reason for refusal at this stage. However, should permission be granted then a condition would be necessary to require a bat survey to be undertaken and necessary mitigation measures introduced.

- 7.35 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 application is therefore not considered to result in harm to wildlife in accordance with policy ENV16.

Archaeology

- 7.36 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, and this is now proposed to be retained and can 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 still not convinced that such very special circumstances exist to override Green Belt policy, and the landscape harm, to provide a residential development of the proposed form and extent 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. Whilst the indicated form of development could be considered to be more rural in character, the extent of development is large and intrusive over a greater proportion of the site. The proposed development is therefore at odds with the landscape character of the site and surrounding area.
- 8.3 The application is therefore recommended for refusal for the reasons set out above.