

5e 3/12/1551/FP – Change of use of land for the grazing of horses and the erection of three stables incorporating tack store and hay/ feed store on a concrete base at Land off Bourne Lane, Much Hadham, SG10 6ET for Mrs C Betts

Date of Receipt: 13.09.2012

Type: Full – Major

Parish: MUCH HADHAM

Ward: MUCH HADHAM

RECOMMENDATION:

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

1. The proposed stable building by reason of its size, siting and visual intrusiveness would be harmful to the rural character of the locality. For these reasons the proposal is contrary to policies GBC11 and ENV1 of the East Herts Local Plan Second Review April 2007.

_____ (155112FP.SE)

1.0 Background:

- 1.1 The site is shown on the attached OS extract.
- 1.2 This application is for the change of use of the land for the grazing of horses and the erection of three stables incorporating a tack store and a hay/ feed store in one building positioned on a concrete base. The site is located within the Rural Area Beyond the Metropolitan Green Belt, set on a sloping piece of land adjacent to the highway. The nearest dwellings to the site are The Lodge, located approximately 100 metres to the northeast of the proposed stable building, and Mill Park Lodge located at approximately 170 metres to the southeast.
- 1.3 The proposed stable building (incorporating the tack store and hay/ feed store) would measure 14.6 metres in width and 4.88 metres in depth. It would have an eaves height of 2.4 metres, and a ridge height of 2.9 metres. The layout of the accommodation would be in a shallow 'U' form with the three stables, two of which would measure 3.4 metres by 3.55 metres located in the central section of the building and one, measuring 3.4 metres by 4.6 metres, forming the eastern flank. A tack store and hay/ feed store would form the western flank measuring 4.88 metres by 3.55 metres. The roof design also incorporates a canopy that is proposed to cover the entrance to this accommodation.

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- 1.4 The building is proposed to stand on a concrete hardstanding measuring approximately 6.2 metres in depth and 17.8 metres in length. To the west of this concrete base it is proposed to utilise an existing area of 'gridforce' ground reinforcement and the existing access to the field, which is on the junction of Bourne Lane and the access lane to Mill Park Lodge and the dwellings beyond.
- 1.5 The proposed site of the stable building is approximately 19 metres from the current access to this plot of land, and it is to be orientated parallel with, and set approximately 4.5 metres from, Bourne Lane. The site currently has a small temporary (mobile) horse shelter which can offer shelter for one horse.

2.0 Site History:

- 2.1 Members may recall that there have been two previous applications for similar development on this site. The initial application, ref: 3/11/1762/FP, was for the erection of 4 stables incorporating a feed/tack room and a hay store on a concrete base with the formation of a new access from Bourne Lane. This was refused for the following reason:
- The proposed stable building together with the likely works necessary to achieve the associated vehicular access to Bourne Lane and the parking area would, by reason of their size, siting and visual intrusiveness be harmful to the rural character of the locality. For these reasons the proposal is contrary to policies GBC11 and ENV1 of the East Herts Local Plan Second Review April 2007.
- 2.2 This application had sought permission for a building measuring 15.6 metres in width, 9.6 metres in depth (with the width of the boxes and tack room being 3.6 metres), an eaves height of 2.1 metres, and a ridge height of 3 metres. The proposed site of the stable building was to be approximately 55 metres from the current access on the junction of Bourne Lane and the access lane to Mill Park Lodge. The application also proposed to create a new access to this field and a hardstanding for the parking of vehicles in the north eastern corner of the field opposite The Lodge.
- 2.3 Together with objections raised from County Highways and the Council's Landscape Officer, Officers considered that the proposed stable building, together with the creation of the access on to Bourne Lane and the associated parking area would have been visually intrusive and harmful to the rural character and appearance of the locality.

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- 2.4 The second application on this site was submitted under ref: 3/12/0596/FP and was for the change of use of the land for the grazing of horses and the erection of four stables incorporating a feed/ tack room and a hay store in one building positioned on a concrete base.
- 2.5 This second application proposed a longer stable building than previously (incorporating the feed/tack room and hay store) that would measure 21.9 metres in width, 4.88 metres in depth. It would have had an eaves height of 2.4 metres, and a ridge height of 2.9 metres. The building was proposed to stand on a concrete hardstanding measuring approximately 6 metres in depth and 25 metres in length. It was proposed to utilise an existing area of 'gridforce' ground reinforcement and the existing access to the field, on the junction of Bourne Lane and the access lane to Mill Park Lodge and the dwellings beyond.
- 2.6 This application was reported to the Development Control Committee on 20th June 2012. Members agreed with the Officer's recommendation that the re-siting of the stable building had not overcome the concerns with regard to the visual intrusiveness of this building and the harm to the local rural landscape. For these reasons the proposal was considered to be contrary to policies GBC11 and ENV1 of the East Herts Local Plan Second Review April 2007 and was refused for the following reason:
- The proposed stable building by reason of its size, siting and visual intrusiveness would be harmful to the rural character of the locality. For these reasons the proposal is contrary to policies GBC11 and ENV1 of the East Herts Local Plan Second Review April 2007.
- 2.7 The current application was submitted in September 2012.

3.0 Consultation Responses:

- 3.1 County Highways does not wish to restrict the grant of permission and have commented that the vehicle access has not changed from the previous application 3/12/0596/FP. The proposal makes provision for parking within the site and clear of the carriageway of the private driveway/ bridleway from which vehicular access is gained. Traffic generation is unlikely to be significant.
- 3.2 The Environmental Health Unit does not wish to restrict the grant of permission.
- 3.3 Affinity Water comments that the site is located within the groundwater Source Protection Zone (SPZ) of Hadham Mill Pumping Station. This is

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a public water supply and comprises a number of chalk boreholes operated by Veolia Water Ltd.

- 3.4 The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then appropriate monitoring and remediation methods will need to be undertaken.
- 3.5 The Environment Agency has assessed the application and has identified flood risk as the only constraint at this site. They comment that, although the red line boundary is greater than a hectare, the development has a footprint of less than 250 square metres. Paragraph 10 of the Technical Guidance to the National Planning Policy Framework states that minor development is unlikely to lead to significant flood risk. The Environment Agency therefore comments that their Flood Risk Standing Advice should be used to deal with flood risk at the site.
- 3.6 The Council's Engineer has commented that part of the site is situated within flood zone 2. There are no historic flood incidents recorded for the site. The site is shown as situated adjacent to surface water (SW) inundation zones.
- 3.7 They comment that the development appears to show a net increase in the amount of impermeable areas being created with consequent increase in the risk of associated flooding to the surrounding areas and residences and potential increase within the development. However, the development has anticipated this increase and has taken steps to partially mitigate the impact by stating that surface water runoff from roofs will be harvested for re-use and that SW runoff from hardstandings would be directed to a soakaway. Such details are not clearly shown on the design drawings and are only described within the design and access statement.
- 3.8 They comment further that it is noted that the developer has rejected the use of a green/ living roof due to design restrictions. A green/ living roof would significantly assist in reducing the impact of the development and will help to reduce flood risk. It should still be possible with a modest change to the design of the supporting structure to incorporate a green/ living roof (such as a simple intensive green roof which CIRIA cite as cheaper to construct than an extensive green roof). It would also still be possible to use rainwater harvesting with the green roof system.

3.9 The Council's Landscape Officer has recommended refusal for this application. In summarising their comments they recommend that, (in line with the Supplementary Planning Document - Landscape Character Assessment) the Local Planning Authority should resist any development which could permanently damage the local landscape character here. In essence, this means that any further development (including the proposed stables) should be resisted, as this is essentially an undeveloped area. They would also welcome the restoration of hedges along historic field boundaries, rather than along roadsides, where they can obscure views over this landscape. The Landscape Officer also considers that the proposal is contrary to GBC11 (c) in that the design, siting and materials of the proposed development and any necessary ancillary structures are not appropriate to the character of the site and the ability of the local environment to absorb the development. This site is sensitive to development, since any structures will be prominent in the landscape owing to the local topography of the site and surrounding area. This landscape area is highly regarded for its distinctiveness and the introduction of a stable block in this location will appear incongruous within the visual area and setting. This field is however suitable for the continuation of its historic use as grazing or pasture.

4.0 Parish Council Representations:

4.1 Much Hadham Parish Council have commented that their members object to the above planning application in that there are totally inadequate arrangements being made for the removal of manure and horse urine. The proposed buildings will also detract from the appearance of a Grade II listed building. The applicant appears not to have clarified how urine will be prevented from soaking into the ground.

4.2 Further correspondence has been received from the acting Chairman of the Parish Council stating that although the applicant has provided more information than with the previous applications (Ref 3/12/0596/FP, Ref 3/11/1762/FP), they consider that this application should also be rejected because:

- Horses need water, both to drink and to be used for washing. The proposal is to use rain water for the horses to drink, but the applicant has not said what is intended to be the source of water for washing. They do not consider that it makes sense to rely on rainwater as the sole supply for drinking water for the horses, and they do not believe that the applicant can seriously expect to rely on such a supply in a time of drought; the plans show no method

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proposed for collecting rain water. If the applicant expects to rely on rain water to wash the horses as well as for them to drink, they think that this is absurd. The Design and Access statement refers to existing mains water supply, but this is not apparent on the plans supplied.

- There is apparently to be no electricity supply. This does not make sense. How are the horses to be tended to in winter without electricity? They consider that the proposal for illumination by torchlight or battery-powered low voltage lighting to be wholly inadequate.
- The reference to a concrete pan, subsequent to the lack of one in the previous application, is not clear enough. The plans showing proposed development do not show any detail of dimensions of a proposed concrete pan. The proposed area outside the stables is too small. Without a sufficiently large concrete pan the area outside the stables will become a quagmire in winter.
- The site is on a hill and Bourne Lane is prone to flooding. This is acknowledged by the applicant in the Application Form. This raises the following issues:
 - (a) The disposal of horse urine, which is similar to ammonia and has detrimental environmental effects. They have grave concern that even with the proposed system of trailer collection of manure, the urine will leach into the ground and find its way onto Bourne Lane and into the stream beyond.
 - (b) The disposal of horse manure. The applicant has not said what action they are taking at present to remove the manure, nor have they explained why they have still not yet procured a trailer to remove the existing manure. They consider that the proposed trailer is anyway too small. As the applicant has not said what action they are taking at present to remove the existing manure, and as they may not be able to empty the trailer on a daily basis, they think it likely that they will end up with a muckheap near the stables, with all the attendant environmental problems as a result of leeching.
- The parking of the trailer without a hard standing and without a hardened track to gain access to the trailer does not make sense. It will result in mud, particularly in winter, being spread on nearby roads. There ought to be both a hard standing and a hardened

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track.

- The proposed stables will be 2.9 metres high, and as they will be on high ground, they will be visible from the adjoining Grade II listed house. The hedge along Bourne Lane behind the proposed site of the stables is in a deplorable condition. They appreciate that the applicant plans to plant additional hedging material, but it will be some years before this screens the stables, and in winter even the improved hedge will not mask them.
- They consider that the tack room is too small for three horses.
- A track will be required from the gates to the stables. No track is shown on the plans. The applicant will need to explain the width of the track and how it will be surfaced.
- The stables will be 2.9 metres high, and as they are on high ground, they will be visible above the line of the hedge, even with consideration to the proposed application. They are also substantial and will be imposing in the landscape. The site is within the Rural Area Beyond the Green Belt. They do not consider that the applicant has provided sufficient justification for the proposed stables coming within Policy GBC3 para (b) or (k). They also do not consider that the application comes within Policy GBC11 because, for example, the stables will cause excessive visual intrusion.

5.0 Other Representations:

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

5.2 No letters of representation have been received.

6.0 Policy:

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

GBC3 – Appropriate Development in the Rural Area Beyond the Green Belt

GBC11 – Riding Stables and Associated Development

ENV1 – Design and Environmental Quality

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6.2 The National Planning Policy Framework is also of relevance in the determination of the application.

7.0 Considerations:

7.1 The determining issues in relation to this application are:

- Principle of development;
- Impact on character and appearance of area;
- Highway considerations;
- Neighbour amenity; and
- Other matters

Principle of development

7.2 The application site is located within the Rural Area, and consideration is therefore given to policy GBC3 of the Local Plan. This policy states that within the Rural Area permission will be given for the construction of small-scale riding and livery stables in accordance with policy GBC11.

7.3 It was previously established through Government guidance that up to 10 stables would constitute small scale. Having regard therefore to the building proposed and that it would accommodate three stables, it is considered that the scale of the development proposed would constitute small scale and would therefore comply in principle with policy GBC3 of the Local Plan.

Impact on character and appearance of area

7.4 As with the previously refused applications (LPA refs: 3/11/1762/FP and 3/12/0596/FP), consideration should be given to whether the size, scale, siting and design of the proposed stable building would harm the character and appearance of the area. It is noted that the previous applications were refused due to the impact of the size, siting and visual intrusiveness of the stables which would be harmful to the rural character of the locality.

7.5 This application proposes a building of reduced width, from 21.9 metres previously to 14.6 metres now, by reducing the amount of storage and the number of stables from four to three. The depth, height and siting of the building have not however altered. The current site plan indicates the removal of a tree and the planting of two new hedges running perpendicular to the highway to help screen the building.

- 7.6 With regard to the size, scale, siting and design of the proposed stable building, Officers still have concerns that the building would be visually intrusive here. As with the previously refused application, although repositioned closer to the existing access to the field, the application site is still located on elevated land adjacent to the highway and therefore the massing of the proposed building would be very apparent from public view points. Whilst there is mature soft landscaping lining the highway, Officers have noted that this is sporadic and not dense enough to mitigate the visual harm that would be caused by the siting of this building. The loss of the existing tree would also exacerbate the prominence of the building.
- 7.7 As with the previous application, Officers have also considered whether a scheme of soft landscaping could minimise the visual harm caused, but the extent of landscaping required would not reflect the simple hedging and trees that line this field and would, in itself, not reflect the rural characteristics of the locality.
- 7.8 Officers have taken into consideration the information provided in the Design and Access Statement supporting this application, but disagree that the change in size and siting of the proposed stable building would result in a scheme that is less visually intrusive than the previously proposed schemes. Whilst the length of the stable building has been reduced to allow for a smaller building, its siting on land that is on a more elevated position than the highway, and on an open aspect when entering Bourne Lane, would result in a building that would be visually intrusive and harmful to the open rural character and appearance of the locality. The concerns of the Council's Landscape Officer in this respect have been noted. For these reasons this proposal is considered to be contrary to policy GBC11 of the Local Plan.

Highway considerations

- 7.9 Members are reminded that the initial application (LPA ref: 3/11/1762/FP) was refused due to the visual intrusiveness of the likely works necessary to achieve the associated vehicular access for the stable, together with the stable building itself. The second application (3/12/0596/FP) and the current application however show a revised siting closer to the existing access to the field and therefore there is no longer the need for the creation of a new access onto Bourne Lane.
- 7.10 County Highways have not objected to this proposal and Officers consider that this proposal is acceptable on highways grounds.

Neighbour amenity

- 7.11 Officers have taken into consideration the close proximity of The Lodge and Mill Park Lodge and the possible harm to the enjoyment of these properties. Although this proposal will increase the activity in this field, it is considered that the use of three stables, and hence the keeping and riding of three horses, cannot be regarded as excessive. Although this increase in usage will result in a degree of disturbance with regard to noise, it is not considered to be of such a degree that would be detrimental to the enjoyment of either dwellings. Officers therefore consider that this proposal accords with the amenity considerations of policy ENV1 of the Local Plan.

Other matters

- 7.12 Officers have also taken into consideration the comments raised by the Parish Council with regard to lack of services to the site (water and electricity). However, these are not considered to be material planning considerations in this case and are not therefore grounds upon which to refuse planning permission. Members will note that permission was not refused on these grounds previously.
- 7.13 The concerns regarding waste disposal are noted. However, Officers consider that these matters could be adequately controlled by planning condition in the event that the Council were to support the application. Furthermore, Members will note that there has been no objection on these grounds from any of the consultees and that the two previous schemes were also not refused on these grounds. It is not considered appropriate or necessary therefore to refuse permission on these grounds now.
- 7.14 As regards the impact of the proposal on the setting of the nearby listed building (Hadham Mill) Offices are satisfied that, due to the intervening distance, there would be no significant impact on the setting of that designated heritage asset.

8.0 Conclusion:

- 8.1 In summary, whilst there is no objection in principle to this form of development in the Rural Area, Officers consider that in this particular location the proposal would have a detrimental impact on the surrounding area and should not be permitted.
- 8.2 The reduction in the length of the stable building is noted, but this does not overcome the Council's previous concerns with regard to the visual

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intrusiveness of the proposal in this location and the harm to the local rural landscape. For these reasons the proposal remains, in Officers view, contrary to policies GBC11 and ENV1 of the East Herts Local Plan Second Review April 2007

8.3 It is accordingly recommended that planning permission be refused.