

5f E/12/0094/B – Unauthorised engineering works to form a hard standing at Woodhill Farm, Stanstead Road, Great Amwell, SG12 9RN

Parish: HERTFORD HEATH

Ward: HERTFORD HEATH

RECOMMENDATION:

That the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under section 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the removal of the hard surface material from the site and the restoration of the land to its former condition.

Period for compliance: 2 months

Reasons why it is expedient to issue an enforcement notice:

1. The development supports the use of land for the parking of vehicles and adversely impacts on the openness of the Metropolitan Green Belt. The development also conflicts with the purposes of the Green Belt that resist the encroachment of the countryside. The development therefore constitutes inappropriate development and additional harm to the rural appearance and character of the site and surroundings is identified. This harm is not clearly outweighed by any other considerations that would provide the very special circumstances to justify development. The proposal is thereby contrary to policy GBC1 of the East Herts Local Plan Second Review April 2007 and section 9 of the National Planning Policy Framework.

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1.0 Background:

- 1.1 The site, the subject of this report, is shown on the attached OS extract. It is located within the Green Belt and comprises a collection of stables and a ménage area. The main stable block has an area of hard standing in its foreground. An established access track connects both to this area and to the new track and leads down to the east, curving round to the north to adjoin Stanstead Road. The ground is uneven and contains potholes. Around the site are a number of caravans, horseboxes and lorries. The land is secured in places by post and rail fencing.

- 1.2 A concern was expressed to Officers in March 2012 about the amount of hardcore that had been laid at the site to create a large hard surfaced area. Following a site visit by your enforcement officers, the owner decided to engage a local planning consultant who submitted a planning application seeking retrospective permission for the retention of an area of hard standing to the west of the ménage that measures approximately 47m in length and 25m in width. It also includes an associated access track, which measures approximately 4.0m in width and 42m in length and is located south of the ménage. The access track connects to a more established track, which leads to the entrance of the site on Stanstead Road. The hard standing areas have been laid in crushed hardcore. During site visits, it was evident that the areas were either incomplete or had fallen apart as there were piles of solid rubble lying to the side of the track.
- 1.3 The applicants argued within the recent application that the hard standing was necessary to provide additional space and improved access for horseboxes and other vehicles used in connection with the stables. They also argued that the site is extremely well screened by mature trees and woodland, and the hard standing and access track are not visible from the surrounding Green Belt countryside. They added that the extent of hard standing was not considered harmful to the openness of the Green Belt. They also considered that the development would have no significant impact on the surrounding countryside.
- 1.4 However, Officers considered that the extent of hard standing at the site was not justified by the small scale use of the site and that it had a harmful impact on the openness of the Green Belt and the rural character and appearance of the surrounding area. Retrospective permission was accordingly refused as set out below.

2.0 Planning History:

- 2.1 Retrospective planning permission was refused (under ref. 3/12/1806/FP) for the unauthorised hard standing on 19 December 2012 for the following reason:-

The proposed development supports the use of land for the parking of vehicles and adversely impacts on the openness of the Metropolitan Green Belt. The development also conflicts with the purposes of the Green Belt that resist the encroachment of the countryside. The development therefore constitutes inappropriate development and additional harm to the rural appearance and character of the site and surroundings is identified. This harm is not clearly outweighed by any other considerations that would provide the very special circumstances

to justify development. The proposal is thereby contrary to policy GBC1 of the East Herts Local Plan Second Review April 2007 and section 9 of the National Planning Policy Framework

3.0 Policy:

3.1 The following policies of the adopted Local Plan are relevant:

GBC1 – Appropriate Development in the Green Belt

GBC11 – Riding Stables and associated development

ENV1 – Design and Environmental quality

ENV2 – Landscaping

3.2 The National Planning Policy Framework is also a material consideration in this matter and in particular section 9 is of relevance.

4.0 Considerations:

4.1 Policy GBC1 of the East Herts Local Plan states that engineering operations within the Green Belt will be inappropriate unless they maintain openness and do not conflict with the purposes of including land in the Green Belt. The NPPF echoes this approach in paragraph 90. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 of the NPPF states that ‘very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.’

4.2 The NPPF at paragraph 17 identifies a set of core land-use planning principles that should underpin both plan making and decision taking. Included within these is the protection of the Green Belt and the recognition of the intrinsic character and beauty of the countryside.

4.3 In this case, Officers consider that the unauthorised development has an intrusive and urbanising effect on the countryside. The main area dedicated to hard standing is in excess of 1100sq m and spans a large portion of the overall site, at an elevated position. When viewed from within the site, it appears uncomfortably harsh in relation to the surrounding countryside and is far from sympathetic with the open and rural setting. The site is reasonably well screened, but there are public footpaths in the vicinity. There would be some view of the hard standing and vehicles on it, at certain points along the footpaths.

- 4.4 Whilst it is difficult to argue that the laying of hard standing itself results in harm to openness, its use for the stationing of vehicles associated with the equestrian use of the site causes a harmful impact. The development undoubtedly causes significant encroachment into the countryside. To this end, it does not accord with the provisions of Green Belt policy, which allow for engineering operations only where they do not harm openness or conflict with the purposes of including land within the Green Belt, one of which is safeguarding the countryside from encroachment.
- 4.5 The applicant's reasoning behind the development; that the hard standing is required to provide additional space and improved access for the horseboxes and other vehicles, is not without some merit where development relates to a legitimate equestrian use. However, given the size of the stables (approximately 8 in number), it is considered that the amount of hard standing is excessive for such a need. There is a degree of parking space available at the site already and, without any evidence to demonstrate otherwise, Officers consider that there is no reason why this should not be sufficient for the management and upkeep of horses. As stated above, the tree planting that surrounds the site does not mitigate for the harm to openness or, in itself, provide very special circumstances that outweigh the harm. As such, officers are not satisfied that there exist 'very special circumstances' that clearly outweigh the harm by inappropriateness or any other harm in this case.
- 4.6 In terms of other material planning considerations, the site lies within relatively close proximity of Goldings Wood, a county wildlife site and the Hertford Heath and Amwell Quarry SSSI's. However, during the consultation period of the above mentioned application it was noted that neither Natural England nor HBRC had responded unfavourably to the proposal and there appears to be no harmful impact on these sites or on any surrounding protected species.
- 4.7 There are no evident neighbour implications or matters of highway safety that arise because of the works.

5.0 Recommendations:

- 5.1 In summary, the unauthorised hard standing constitutes inappropriate development in the Green Belt and additional harm is caused by its impact on the openness, character and appearance of the area. The material considerations put forward by the appellant are not considered to be sufficient to clearly outweigh all this harm and therefore, in accordance with national and local planning policy, permission ought not to be granted for the hard standing. Accordingly, it is recommended

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that authorisation be granted for enforcement action to be taken to secure the removal of the hard surfacing material and the restoration of the land to its former state before the unauthorised works were carried out.