

**5b 3/12/2013/FP – Riding school/livery stables comprising 8 stables, associated store rooms, office, manege, parking area and access at Brook Cottage, Barleycroft End, Furneux Pelham, Buntingford, SG9 0LL for Mrs L Seddon**

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**Date of Receipt:** 30.11.2012

**Type:** Full – Major

**Parish:** FURNEUX PELHAM

**Ward:** LITTLE HADHAM

**RECOMMENDATION:**

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

1. Three Year Time Limit (1T12)
2. Approved Plans (2E102) (insert: (31)001; (31)002; (31)003; (11)001 Rev B; (11)002 Rev A; (21)001; (21)002)
3. Samples of Materials (2E12)
4. Refuse Disposal Facilities (2E24)
5. Sustainable Drainage – Surface water Management (2E43)
6. Notwithstanding the sightlines shown on drawing no. (11)001 B, and prior to any site works being commenced, sight lines of 2.4 metres x 120 metres shall be provided each side of the means of access within which there shall be no obstruction to visibility between 0.6 metres and 2.0 metres in height above adjoining carriageway level.

**Reason:** To provide visibility for drivers of vehicles entering and leaving the site.

7. Prior to the commencement of the development, full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate: (a) Proposed finished levels or contours (b) Means of enclosure (c) Hard surfacing materials (d) Proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines, etc. indicating lines, manholes, supports, etc.) (e) Planting plans, including details of the proposed 'wildlife corridor' and the replacement and reinforcement of boundary hedging (f) Written specifications (including cultivation and other operations associated with plant and grass establishment) (g)

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Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate (h) Implementation timetables. (i) Future landscape maintenance. Thereafter the development shall proceed in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policies ENV1, ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

8. Landscape works implementation (4P13)
9. Provision and retention of parking spaces (3V23) – amend to ‘Prior to the first use of the stables hereby permitted’

#### Directives:

1. Other legislation (01OL)
2. Highway Works (06FC2)
3. Bats (32BA)

#### Summary of Reasons for Decision

East Herts Council has considered the applicant’s proposal in a positive and proactive manner with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the ‘saved’ policies of the East Herts Local Plan Second Review April 2007 and in particular policies TR7, GBC2, GBC3, ENV1, ENV2, ENV3, ENV4, ENV11, ENV16, ENV19 and ENV21); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012. The balance of the considerations having regard to those policies and the pre-application advice given is that permission should be granted.

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#### **1.0 Background:**

- 1.1 The site is outlined on the attached OS map and is some 7.28 hectares in size. The site lies to the rear of the dwellings and recreation ground on the western side of Barleycroft End. The eastern boundary of the land is separated from the gardens of the residential properties and the recreation ground by the River Ash, a screen of trees and post and wire

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fencing.

- 1.2 The application proposes the provision of a riding school/livery stable comprising 8 stables, associated store rooms, office, manege, parking area and access. Access to the site is proposed from the south-eastern corner of the site, where it is also proposed to site a parking area for 12 vehicles (2 disabled parking spaces are also proposed close to the stable block). An access track is proposed to run parallel to the river Ash leading to an area that will include a manege, a shielded muck heap and the stables/ store building.
- 1.3 The proposed stable building would be 'U' shaped. The eastern and northern elements of the building are proposed to accommodate 8 stables, whilst the southern element is to accommodate a store, office, WC and tack room. Access to the stables and other elements of the building is from the central courtyard area.
- 1.4 A manege is proposed to the south of the stable building, which is to be orientated parallel to the river. The manege is proposed to measure 19 metres by 38 metres. It is to be enclosed by 1.8 metre high post and rail fencing.

### **2.0 Site History:**

- 2.1 There is no planning history relating to this site.

### **3.0 Consultation Responses:**

- 3.1 The Landscape Officer raises no objection in principle to the proposal. They have commented that they have no objection to the proposed site plan and layout, and that the proposed use and appearance of the development is reasonably in keeping with the location setting and topography of the area. The proposed siting for the stables – away from the ridge and higher ground on the sloping valley side means that the proposed structures will be fairly discrete in the landscape, with low visibility from nearest roads or neighbouring dwellings and this is helped by the backdrop of trees and other vegetation. They have raised no objection in landscape terms to the location for car parking provision, provided that the detailed layout and choice of materials are given sufficient thought. They have commented that if this development proposal is approved, it is recommended that landscape conditions be attached to cover hard landscape materials and specifications for the stable yard, access road/track and parking area. It is also suggested that the parking area is set back slightly further from the road.

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- 3.2 The Countryside Access Officer (Public Rights of Way Service) has commented that the nearest horse riding route is Violets Lane. Although this route is recorded as an unclassified public road, it is unmetalled/ not tarmaced and is believed to be treated in most respects as a bridleway by Herts Highways.
- 3.3 County Highways does not wish to restrict the grant of planning permission subject to conditions relating to the access and junction arrangement according with the approved plans and to the specification of the Highway Authority; the parking being brought into use prior to the occupation of the stables; the surfacing of all of the on-site parking areas and surface water drainage; wheel washing facilities; and the specification of the visibility splays.
- 3.4 The Hertfordshire Biological Records Centre (HBRC) has commented that they do not have any known biological data – habitats or species – for the site. However, the River Ash runs along the eastern boundary of the site. They have commented that the application documents refer to the creation of a ‘wildlife corridor’, but no detail has been given as to what this corridor will consist of, or how it will be created and managed; drawing (11) 002 shows the proposed access road and car park, close (circa 3 metres) to the river Ash. This is unacceptable; the Environment Agency stipulates an 8 metre buffer zone; see their letter dated 24<sup>th</sup> May 2012; the Design and Access Statement states that an ‘enhanced wildlife feature’ will be created, but no idea of how, what will be planted and how it will be managed are given and that they are pleased to see that no floodlighting is proposed. Furneux Pelham is very important for bats and their roost sites. It is reasonable to conclude that bats will forage for insects along the River Ash and local hedgerows. Floodlighting would deter them from doing so.
- 3.5 They therefore recommend that the Local Planning Authority should require that the proposed access road and car park are at least 8 metres away to the River Ash in order to conform to the Environment Agency guidelines, and that the LPA should require the applicant to supply details on how the creation of a ‘wildlife corridor’ will be achieved, what the ‘corridor’ will consist of (habitats; species to be planted – native preferred), and how it will be managed in the future and by whom.
- 3.6 The Environmental Health Department advises that any permission which the Planning Authority may give shall include conditions construction hours of working; the restriction of the use of loud speakers; and details of any external lighting in connection with the development to be submitted and approved prior to the commencement

of development.

- 3.7 The Environment Agency considers that the proposal is acceptable subject to conditions relating to the provision of a buffer zone along the River Ash and the submission of a scheme for the disposal of foul and surface water.
- 3.8 The Council's Engineer has commented that the site is partially situated within flood zones 2 and 3, and there are no individual records of Historic flooding at the site. There is however a historic flood event recorded at The Maltings in 2002. The site is located within overland flow paths as shown on the environment agency's surface water flooding maps. They go on to comment that the development seems to consist of an increase to the impermeable area with consequent reduction to the sites permeable area and consequent risk of creation of additional flood risk within the development and also to adjacent areas. They state that there do not appear to be any details with the application that show how sustainable drainage systems (SuDS) would be incorporated into the design. Some references to raising threshold levels for building are stated in the FRA as well as a proposal to use soakaways. In isolation they comment that these would not normally be considered sufficient unless incorporated into other forms of infrastructure such as green roofs and other above ground systems (swales, detention ponds, etc). These would assist not only to reduce flood risk at the site/ near the site but also would help to improve the water quality that is discharged from the site. If swales/retention ponds were used they could assist to make the development independent of mains water supply and provide resilience if drought conditions/hosepipe bans were reintroduced. As the site will retain areas of open fields it could easily be possible to construct above ground SuDS features such as ponds, swales, etc. A small package treatment plant is identified for sewage disposal and this also will be likely to be discharging to the watercourse. It is possible that such a unit could decrease the water quality in the River Ash further and also increase the risk of flooding as it would be increasing volumes of flow. They conclude that generally the EHDC Strategic Flood Risk Assessment (SFRA) does not appear to have been followed for the provision of drainage infrastructure, and the development could be considered to be in contravention of ENV21 as it is not clear about the method of disposal of additional volumes of surface water.
- 3.9 The Planning Obligations Officer has commented that due to the nature of this proposal contributions are not sought towards education, youth, childcare or library services. However, the provision of fire hydrants is sought to ensure adequate water supplies will be available for fire

fighting in the event of an incident at this site as they have been informed by Hertfordshire Fire and Rescue Service that there are no public hydrants in this locality.

#### **4.0 Parish Council Representations:**

4.1 Furneux Pelham Parish Council have objected to this proposal and have commented that:

- The entry point for the car park is in a potentially dangerous position, being so close to the T-junction, especially as a proportion of the vehicles would be horse trailer/ boxes. Based on the applicant's suggestion of the number and duration of lessons being offered, the number of vehicle movements would be excessive and an unmade access track in that location of the field would not be able to cope;
- Smell and flies from the muck heap could be very unpleasant for the residents of Barleycroft End considering the prevailing wind direction (South West);
- The height of the building is too extreme and the whole project is too large. Although screened to an extent in summer, the buildings would be visible when the trees are dormant. In addition there would be a clear view of the proposed buildings and ancillary features from the Causeway (top road);
- There are already at least 6 stable/ horse riding facilities in the village;
- The buildings would be sited on a flood plain;
- There would be significant light pollution from the buildings in the winter, especially as the ménage would probably require permission for lighting retrospectively;
- Should the business fail, the Parish Council were concerned that any application may be made to convert the buildings into residence.

#### **5.0 Other Representations:**

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

5.2 Five letters of representation have been received which can be summarised as follows:

- Concern with regard to the long-term viability of the business;
- Concern that the site already has a number of buildings on it, which

due to their temporary form are not considered to be development.

The approval of the stables could encourage the further construction of temporary buildings on this site;

- The request for consideration to be given to the recent planning enforcement action taken to the development of a chicken hut on this piece of land;
- The proposals make no provision for physical screening of the stables, ménage etc, and no provision for the control of noise;
- The use of lighting/floodlighting will be intrusive to the residents of nearby dwellings;
- The site is not well connected to an existing bridleway network;
- The siting of the proposed access does not seem suitable for vehicles, some of which will be towing trailers, could cause highway safety issues;
- Noise pollution from the use of the site.

## **6.0 Policy:**

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

GBC2	The Rural Area Beyond the Green Belt
GBC3	Appropriate Development in the Rural Area Beyond the Green Belt
GBC11	Riding Stables and Associated Development
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV3	Planning out Crime – New Development
ENV11	Protection of Hedgerows and Trees
ENV16	Protected Species
ENV19	Development in Areas Liable to Flood
ENV20	Groundwater Protection
ENV21	Surface Water Protection
ENV23	Light Pollution and Flood Lighting

6.2 National planning policy contained in the National Planning Policy Framework is also relevant to the determination of this application.

## **7.0 Considerations:**

### Principle of development

7.1 The application site is located within the Rural Area Beyond the Green Belt (the Rural Area), wherein policy GBC3 of the Local Plan considers

the development of small scale riding and livery stables, in accordance with policy GBC11, to be appropriate development. Previous government guidance advised that small scale horse enterprises would be enterprises involving up to 10 horses. It is noted that this proposal is to provide 8 stables within one building. In considering the above it is opinion of Officers that the provision of 8 stables can be considered to be a 'small scale' facility, and the development is therefore considered to constitute appropriate development within the Rural Area. It is therefore necessary to consider whether the proposal accords with Policy GBC11 of the Local Plan which states that the establishment of small scale riding and livery stables in the Rural Area Beyond the Green Belt will be permitted provided that the criteria set out in the policy are met.

- 7.2 It is the opinion of Officers that the size, scale and siting of the proposed stables building and the associated works i.e. the manege, will impact to some degree upon the character and appearance of this part of the site and, although the development is sited at a significant distance from the highway, the development will be visible from both the south and west.
- 7.3 Policy GBC11 states that the scale, design, siting and materials of any development must be appropriate to the character of the site and the ability of the local environment to absorb the development. The submitted Design and Access Statement (DAS) describes that the proposed buildings would be arranged in a shallow U-shape and the manege close to it to the south, clustering the development to minimise any visual impact. The parking area would be provided close to the road access to minimise the incursions of traffic into the field and avoid visual intrusion. The DAS continues by stating that the building would not be prominent in the landscape being of small scale, single storey and well sited.
- 7.4 The Parish Council do not agree with this assessment and object on the grounds that the height of the building is too extreme and the whole project is too large. They continue by stating that although screened to an extent in the summer, the buildings would be visible when the trees are dormant, and in addition there would be a clear view of the proposed buildings and ancillary features from the Causeway.
- 7.5 The Landscape Officer, however, has commented that the proposed siting of the stables – away from the ridge and higher ground on the sloping valley side, means that the proposed structures will be fairly discrete in the landscape, with low visibility from the nearest roads or neighbouring dwellings and this is helped by the backdrop of trees and other vegetation.



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- 7.6 Officers concur with the comments of the Landscape Officer. It is noted that the proposed buildings would be approximately 260 metres from the Causeway and the stable building would be approximately 220 metres from the proposed site access. The land has a gradual gradient rising away from the application site and both highways have mature hedging bounding the field. Whilst Officers agree with the comments raised by the neighbours that this would be a significant development when considering that this is currently an undeveloped piece of agricultural land, Officers consider that the size, scale, siting and design of the development would be absorbed into local landscape and is of a use that is appropriate in a rural landscape.
- 7.7 Concern has been raised by occupants of neighbouring dwellings that the approval of this scheme would act as a catalyst for the further residential development by the occupants of Barleycroft End wishing to extend their residential curtilage. In considering the above and the planning history of the site regard is given to the land to the rear of Old Post Office Cottage, Barleycroft End, since the site subject to this proposal is adjacent to that site which had an appeal dismissed in respect of the change of use of the agricultural land to additional residential land (LPA ref: 3/07/1521/FP; Appeal ref: APP/J1915/A/08/2061517). The Planning Inspector upheld this decision and in considering the inclusion of this piece of land into the residential use of the above dwelling stated that the domestic use, including the spread of domestic paraphernalia, would be a harmful intrusion into the rural landscape. Whilst regard must be had to this appeal decision, it is considered that the circumstances are not directly comparable to this current application, and the visual impact of an extension to a residential curtilage is very different to the visual impact of stabling which, from a policy perspective, is appropriate development in the Rural Area. Therefore, notwithstanding this appeal decision, and having regard to the comments of the Landscape Officer, it is opinion of Officers that the development would sit comfortably in the surroundings and would not be out of keeping with, or harmful to the character of the rural area.
- 7.8 With regard to the proximity of bridle paths, policy GBC11 states that the site should be well related to the existing or proposed bridleway network, other off-road routes, or the proposal should include works to provide new routes to enable connections between the development and other routes or places of equestrian interest. The amount of horse riding that is likely to result should also not have an adverse impact on the management, ecology, or public use of open spaces and rights of way.

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- 7.9 A consultation response from the Council's Countryside Access Officer has stated the nearest horse riding route to this property is Violets Lane, which is located approximately 1 kilometre to the north of the application site. Violets Lane is accessed by using the roads through Barleycroft End. Officers have also noted that a more established network of bridleways are located approximately 2 kilometres to the west.
- 7.10 An occupant of a neighbouring dwelling has challenged the proximity of the bridleways by stating that any bridleway can only be reached via narrow lanes. In response to the possible use of Violets Lane as a bridleway, it has been noted that this is forded by the River Ash and is only passable in extremely dry/ drought conditions. For a large part of the year it is flooded and is not suitable for horses, except by trespassing in adjoining fields.
- 7.11 The DAS states that the site is well-related to the existing bridleway network. The local country lanes are not heavily trafficked and are suitable for hacking.
- 7.12 Officers acknowledge that the site is not necessarily in close proximity to the existing or proposed bridleway network, and that such a network would have to be accessed via country lanes. However, it is considered that riding to the nearest bridleway offers a variety of riding not uncommon for many stables in a rural setting.
- 7.13 With regard to the above considerations, Officers therefore recommend that this proposal accords with the criteria as set in policy GBC11 of the Local Plan. Further consideration is therefore given to the size, scale, siting and design of the proposal, neighbouring amenity and parking and access.

#### Size, scale, siting and design

- 7.14 Whilst objections have been raised with regard to the size and scale of the proposed stable building and the other development on the site, Officers are of the opinion that the buildings are of an appropriate scale to deliver an 8 stable facility on this site. As stated previously, whilst this proposal will alter the appearance of this part of the field, it is considered that the distance separating the proposed buildings from the highways, and the topography of the land, results in minimal harm to the overall character and appearance of the local rural area. For this reason Officers recommend that this proposal will not be harmful to the distinctive characteristics of the locality and therefore accords with the design considerations of policy ENV1 of the Local Plan.

Landscaping considerations

- 7.15 Whilst the Landscape Officer has raised no objections with regard to the development of the stables; the manege, and the car parking layout, Officers have raised concern with regard to the impact of the provision of the visibility splays recommended by County Highways. It is noted that to achieve the degree of visibility, a narrow strip of approximately 70 metres of boundary planting would have to be removed to the west of the access, and landscaping would also be limited to the east of the access.
- 7.16 The applicant's agent has indicated that some hedging will be removed in this location but will be replaced or replanted behind the visibility splays and existing gaps in the hedge will be closed off with new planting. The net result therefore, in the applicant's view, will be to increase hedge planting to boundaries.
- 7.17 The Council's Landscape Officer has also considered the degree of landscaping that would be lost in order to achieve the required visibility splays and has concluded that, with the imposition of conditions requiring new planting, there would be no significant harm to the landscape character of the locality. The Landscape Officer's written comments on the access were not available at the time of writing this report, but will be represented to Members prior to the Committee meeting. Conditions are recommended to ensure that this replacement planting is carried out.

Amenity considerations

- 7.18 Objections have been received from the occupants of Pheasant Cottage in respect of the impact of noise from lessons, the car park and generally the site, and from light pollution. Pheasant Cottage is located approximately 350 metres from the entrance to the site, and 365 metres from the site of the stables and the manege. In considering the distance separating this dwelling and the application site, Officers recommend that it is unlikely that harm will be caused by noise and light pollution. Although it is understood that the activity of the field would increase if consent is granted for the stables, it is unlikely that the proposal is an activity that would create a nuisance or anti-social behaviour detrimental to the enjoyment of Pheasant Cottage, or the neighbouring Pheasant Hall.
- 7.19 With regards to the amenities of occupants of the dwellings of Barleycroft End, the Parish Council have objected that the proposal together with the muck heap will cause harm by reason of smell and

flies, especially when a south-westerly wind is blowing. Officers consider that due to the nearest residential dwelling (Brookside) being approximately 80 metres to the northeast of the application site, it is unlikely that this proposal will cause harm to the enjoyment of these dwellings. No objection has been received from Environmental Health in respect of this matter.

#### Parking and access

- 7.20 This proposal includes the provision of twelve off-road parking spaces together with a turning area, which are to be sited at the junction with the highway. In addition, two disabled parking spaces are to be provided to the north of the manege. The applicant has stated that the site can also hold five horseboxes.
- 7.21 Policy TR7 of the Local Plan states that parking provision should be determined on a site specific basis having regard to the proposed use, location and availability of, or potential for access to, modes of transport other than the private car. The proposed use of livery stables is sui generis, and in this case since there are no maximum parking provision standards for this use in Appendix II of the Local Plan, the provision should be considered on a site specific basis. Officers consider that the provision of ten off-road spaces (including two disabled spaces) is sufficient for this development. The site also has sufficient spaces for the parking of horse boxes, as and when required. For this reason, Officers consider that there is no policy objection to the proposed parking provision.
- 7.22 With regard to the access arrangements, concerns have been raised by the Parish Council and the occupants of neighbouring dwellings that the siting of the access would be detrimental to highway safety. County Highways however does not wish to restrict the grant of permission subject to conditions ensuring that the parking and access areas have been constructed in accordance with the approved plans and to a standard that is to the satisfaction of the Local Planning Authority. As set out above, they recommend that visibility splays of 2.4 metres by 120 metres shall be provided and permanently maintained in each direction within which there shall be no obstruction to visibility between 600mm and 2m above the carriageway level. Officers note that, whilst construction of such visibility splays would result in changes to landscaping such as the removal of some boundary treatment, the applicant has advised that the requirements of County Highways are achievable and Officers are satisfied that they are. Replacement landscaping (and reinforcement of existing hedging) can also be achieved via planning condition as mentioned previously.

**Other Matters**

- 7.23 In having regard to the comments raised by the Hertfordshire Biological Records Centre (HBRC), Members are advised that the original siting of the parking area and the access track has been amended to allow for the eight metre buffer zone as requested by the Environment Agency. Officers consider that it is reasonable to include a condition requesting details of the 'wildlife corridor' as detailed on the site plan. It is noted that this corridor has a double purpose as a buffer zone for the River Ash, and therefore should be designed as such. Finally, Officers concur with HBRC that the installation of flood lighting could be a risk to bats and their roost sites. A condition is recommended to require that details of any external lighting are submitted to the Authority and cannot be installed without prior approval. Freestanding floodlighting would, in any event, require separate planning permission.
- 7.24 The Environment Agency consider the scheme to be acceptable subject to conditions requesting details of the layout, planting and management of the eight metre buffer zone, and the prior approval of a scheme for the disposal of foul and surface water management.
- 7.25 Subject to the conditions suggested by the Environment Agency, and having regard to the concerns raised by the engineer, Officers consider that a suitable drainage system together with a management plan for the buffer zone could be reasonably conditioned as part of the permission. Subject to these conditions, Officers recommend that this proposal accords with policies ENV19 and ENV21 of the Local Plan.
- 7.26 Finally, Officers have considered the request from the Planning Obligations Officer with regard to the request for a s106 agreement to provide for the installation of fire hydrants. However, Officers consider that it is unreasonable to require this as a result of this development, as this would not, in Officers opinion, meet the tests of Circular 11/95. It is expected that normal fire safety precautions would be implemented by the applicant in any event.

**8.0 Conclusion:**

- 8.1 The provision of the proposed small scale riding/stabling facility is appropriate development in the Rural Area and therefore acceptable in principle in accordance with policy GBC3 of the Local Plan.
- 8.2 Officers concur with comments of the Landscape Officer that the size, scale, siting and design of the development would be absorbed into local landscape and is in keeping with the rural character of the area.

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Officers are satisfied that the location of the site is within reach of local bridleways and that the use of the country lanes to access those is not uncommon for stables in a rural setting. For these reasons it is recommended that the principle of the development of the stables/ livery use also accords with policy GBC11 of the Local Plan.

- 8.3 It is also considered that due to the significant distance separating the application site from the nearest dwellings, this proposal is unlikely to result in harm to the detriment of the enjoyment of these neighbouring properties and the proposal is also considered to accord with the amenity considerations of policy ENV1 of the Local Plan.
- 8.4 Whilst the Parish Council and the occupants of neighbouring dwellings raised concern with regard to highway safety, County Highways have raised no objections, subject to the parking area being provided in accordance with the approved plans and the specified visibility splays being achieved. The Landscape Officer has acknowledged that these splays can be achieved with little harm to the character of the local landscape and Officers concur with that view. Additional and replacement planting can be adequately secured by condition.
- 8.5 The retention and maintenance of the 8 metres buffer zone for the River Ash can also be reasonably achieved and the details of the planting for this area can again be secured via a suitable planning condition. Any lighting of the site can also be controlled in this way.
- 8.6 For the reasons set out above Officers therefore recommend that planning permission is granted, subject to the conditions set out at the head of this report.