

## DEVELOPMENT MANAGEMENT COMMITTEE – 9 DECEMBER 2015

<b>Application Number</b>	3/15/1490/FUL
<b>Proposal</b>	Demolition and replacement of garage and store and erection of new stables, yard area and associated menage and lighting.
<b>Location</b>	The Grange, High Wych Road, High Wych, Sawbridgeworth, CM21 0JB
<b>Applicant</b>	Mrs C Payne
<b>Parish</b>	High Wych
<b>Ward</b>	Much Hadham

<b>Date of Registration of Application</b>	24 August 2015
<b>Target Determination Date</b>	11 December 2015
<b>Reason for Committee Report</b>	Major development proposal.

### **RECOMMENDATION:**

That planning permission be **GRANTED**, subject to conditions.

#### **1.0 Summary**

- 1.1 The site is located within the Metropolitan Green Belt and comprises a Grade II Listed Building, in extensive grounds, some of which fall within the High Wych Conservation Area.
- 1.2 The proposal seeks planning permission to replace various outbuildings at the site which have fallen into disrepair with a new garage building; a new agricultural storage building, stable building and menage. There is no objection in principle to the replacement garage and storage building which are considered to constitute appropriate development in the Green Belt and would have no adverse impact on the setting of the listed building or on the character and appearance of the surrounding area.
- 1.3 The proposed new stables and menage, whilst providing appropriate facilities for outdoor sport and recreation, are considered to constitute inappropriate development in the Green Belt due to the fact that they will have some impact on the openness of the Green Belt. However, the benefits of the proposal in terms of supporting outdoor sports facilities and reducing the need for the applicant to travel for training purposes, are considered to clearly outweigh the limited harm caused to the

Green Belt in this case by reason of inappropriateness and loss of openness.

## **2.0 Site Description**

- 2.1 The application site is shown on the attached OS Map. It is located within the Metropolitan Green Belt to the south of High Wych and parts of the site, including the dwelling house and the location of the proposed new garage, are situated within the High Wych Conservation Area. A private driveway provides access to the site from High Wych Road.
- 2.2 The site comprises a detached Grade II listed dwellinghouse known as The Grange, together with various outbuildings and a walled garden set within its own grounds comprising of approximately three acres of gardens and a further seventeen acres of adjacent grazing land. The various outbuildings within the site are mostly located to the east of the dwellinghouse, including a dilapidated stables/carport and store buildings which are proposed to be demolished as part of this application.
- 2.3 The areas situated immediately to the south and east of the dwellinghouse comprise of mowed lawns and formal garden areas including an outdoor swimming pool. Beyond the swimming pool and garden area to the east is a small area of woodland and then open undeveloped land which is where the new stables, store and menage are proposed.

## **3.0 Background to Proposal**

- 3.1 The existing outbuildings at the property are generally in a poor state of repair and the applicants have indicated that they fail to accord with modern day expectations and standards. As a result, they wish to demolish some of the buildings (an existing car port, stable block and storage building) and replace them with a new garage; a new storage building; and a new stable building, together with a menage and associated lighting.
- 3.2 The proposed garage building would provide three parking bays with a log store to the side. It would form a timber clad building with a tiled pitched roof. The proposed store building would be a semi open structure and would also be clad with timber with a tiled pitched roof. Whilst the majority of the proposal has an equestrian focus, the applicant states that some agricultural activities also take place in so far

as the production of hay and haylage is concerned. The storage building would be used for agricultural purposes therefore.

- 3.3 Both buildings would be situated close to the proposed new stable building to the east of the dwelling house on land that is accessed by an established track.
- 3.4 The stable building would provide 5 stables with a feed store, bedding store, tack room, hay store, maintenance room and a small W.C. This building would have a brick plinth with timber cladding above and a tiled pitched roof. This building would reach an eaves height of 2.5 metres and a ridge height of 5.2 metres.
- 3.5 The proposed menage would cover an area to the east of the stables of 60 metres by 20 metres. It would be enclosed by post and rail fencing of approximately 1 metre in height. Lighting is proposed in six positions along the outsides of the menage where retractable lighting poles reaching a height of 6 metres are proposed.
- 3.6 It should be noted that amended plans were submitted during the course of the planning application which identify the position of existing trees in relation to the proposed stables and show a revised siting for the stables approximately 0.8 metres towards the east and 2 metres towards the south and away from the trees.
- 3.7 The applicant states that all the proposed new equestrian facilities are to be operated on a purely personal basis as opposed to any commercial basis.

#### **4.0 Key Policy Issues**

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF) and the adopted East Herts Local Plan 2007:

<b>Key Issue</b>	<b>NPPF</b>	<b>Local Plan policy</b>
Green Belt – Whether the proposals form appropriate development within the Green Belt and their impact upon openness.	Section 9	GBC1 and GBC11
Character and appearance – The impact of the proposals on the character and appearance of the existing site, the	Sections 7 and 12	ENV1, ENV5 and BH6

setting of the Grade II Listed Building and that of the High Wych Conservation Area.		
--	--	--

Impact upon trees – Whether the proposals would unacceptably impact upon existing trees of amenity value.	Section 11	ENV2 and ENV11
---	------------	----------------

Other relevant issues are referred to in the ‘Consideration of Relevant Issues’ section below.

## **5.0 Emerging District Plan**

5.1 In relation to the key issues identified above, the policies contained in the emerging District Plan do not differ significantly from those contained in the adopted Local Plan and the NPPF as identified above. Given its stage in preparation, little weight can currently be assigned to the emerging Plan.

## **6.0 Summary of Consultee Responses**

6.1 The Council’s Conservation Officer recommends approval of the application, commenting that the proposals are not considered to harm the character of the Conservation Area or the setting of the listed building.

6.2 Historic England has commented that the proposed new buildings would sprawl further away from the development on the site and have a degree of harm to the setting of the Grange and the character and appearance of the Conservation Area. They indicate that a balancing judgement should be carried out having regard to the NPPF.

6.3 The County Council’s Environmental Resource Planning unit raise an objection to the proposal as it forms a Major development (by virtue of the size of the application site) and a surface water drainage assessment has not been submitted.

6.4 The Environment Agency have responded that consultation with them is not necessary in this case.

6.5 The Council’s Engineers have stated that the site is located in Flood Zone 1 and is not affected by surface water inundation.

- 6.6 County Highways do not wish to restrict the grant of permission. A suitable level of parking remains and no works to the existing access are required. It is not envisaged that traffic generation will have a significant impact, provided that the equestrian use is purely personal.
- 6.7 Herts Ecology initially commented that the application should not be determined until further information has been submitted in respect of the suitability for the site supporting Great Crested Newts. Following the submission of an Ecology report from the applicant, however, Herts Ecology have confirmed that adequate measures can be taken to minimise the likelihood of there being adverse impacts upon Great Crested Newts.
- 6.8 The Council's Landscape Officer initially recommended refusal as insufficient information had been submitted in respect of trees. However, following the submission of revised plans which identify the existing trees and repositioned the stables building further away from the trees, they now recommend approval. However, an Arboricultural Method statement should be required by condition to ensure that trees to be retained are maintained and left in a safe condition during the construction phase.

## **7.0 Town Council Representations**

- 7.1 No comments have been received from High Wych Parish Council.

## **8.0 Summary of Other Representations**

- 8.1 No comments have been received from third parties.

## **9.0 Planning History**

Ref	Proposal	Decision	Date
3/15/1491/LBC	Listed Building Consent for the demolition of the existing stables/carport and store buildings.	Granted	16 <sup>th</sup> October 2015
3/15/0894/LBC	Single storey extension and internal openings. (Amended scheme from previous LPA 3/13/2216/LB)	Granted	25 <sup>th</sup> June 2015
3/13/2216/LB	Single storey extension	Granted	27 <sup>th</sup>

	and internal openings		February 2014
3/13/0726/LB	Partial removal of existing first floor wall, new wall to form new en-suite, new external pipes and ventilation grille	Granted	25 <sup>th</sup> June 2013
3/13/2215/FP	Single storey extension	Granted	27 <sup>th</sup> February 2014

## 10.0 Consideration of Relevant Issues

### Principle of the development in the Metropolitan Green Belt

- 10.1 The site lies within the Green Belt and Members will be aware that, in accordance with policy GBC1 of the adopted Local Plan and the NPPF, the construction of new buildings should be regarded as inappropriate development except for certain specified purposes such as for the provision of new agricultural buildings for example.
- 10.2 Policy GBC1, read together with policy ENV5, of the Local Plan also states that limited extensions or alterations to existing dwellings (including the erection of outbuildings) will be appropriate development where they do not either by themselves, or cumulatively, disproportionately alter the size of the dwelling nor intrude into the openness or rural qualities of the surrounding area.
- 10.3 Policy GBC1 also states that essential facilities for outdoor sport and recreation are appropriate development where they preserve openness and do not conflict with the purposes of including land in the Green Belt.
- 10.4 Within the NPPF, in addition to the erection of agricultural buildings, the replacement of a building within the Green Belt can also be considered appropriate provided that the new building is not materially larger than the one it replaces. The provision of appropriate facilities for outdoor sport and recreation are also considered appropriate development within the NPPF as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

### Garage building

- 10.5 The proposed garage building would replace the existing stables building which is proposed to be demolished. Whilst originally constructed as stables, this open frame building is currently used for the storage of various items used in the upkeep of the land, and as a car port for the private vehicles of the occupiers of the dwellinghouse. The proposed garage building is not considered to be materially larger than the existing stables building that it would replace, nor would it represent a disproportionate increase in the size of the dwellinghouse and as such this proposal is considered to form appropriate development within the Green Belt in accordance with policies GBC1/ENV5 and national policy contained in the NPPF. Furthermore, the proposed garage building would form a more suitable replacement building that, although being of a greater height than the existing due to its pitched roof design, would be of a reduced footprint.

#### Storage building

- 10.6 The proposed storage barn would replace an existing store building and is proposed to be used in connection with what is described as agricultural activities that take place within the wider site. The applicant intends to cultivate and harvest their own hay from their surplus grazing land. The existing store is used for the storage of hay bales and agricultural equipment and vehicles.
- 10.7 As this building is intended for agricultural purposes, and in any event would form a replacement building of a similar size and height to the existing building, Officers consider this to form appropriate development within the Green Belt.

#### Stable building and menage

- 10.8 The proposed stable building and ménage are intended for the personal use of the occupiers of The Grange. The Design and Access Statement that accompanies the planning application states that the family train and compete at various levels in respect of dressage, show jumping, cross country and eventing. It is stated that the applicant competes at individual British dressage at a regional level which requires a larger ménage to practice the more demanding moves. The stable building would accommodate the applicant's 5 horses and additional storage space is required to store hay/bedding, feed and different types of tack that are required for the different equestrian disciplines that the applicant competes in e.g. saddles, rugs, bridles, reins, leg boots and a variety of jumps including poles and planks.

- 10.9 As the stable building and ménage are required for outdoor recreation and sport purposes, the structures are considered to form an appropriate facility in this location. However, the NPPF only permits facilities for outdoor sport and recreation where they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Almost all operational development in the Green Belt will, of course, have some impact on openness but, nevertheless, on a strict interpretation of the policy, this element of the proposal could be considered to form inappropriate development within the Green Belt and Officers have therefore considered the application on that basis.
- 10.10 As inappropriate development, and in accordance with policy GBC1 of the Local Plan and national policy in the NPPF, planning permission should not be granted for the stable building and ménage unless the harm caused by inappropriateness, and any other harm, is clearly outweighed by other material considerations such that very special circumstances exist to justify the grant of planning permission. It is necessary therefore to consider what other harm would result from this element of the proposed development and then to consider the weight that can be given to other material considerations in this case. This matter is considered below, together with an assessment of the impact of all the elements of the proposal, and then a final Green Belt planning balance exercise is undertaken in respect of the stable building and ménage. It is firstly necessary, therefore, to consider whether any additional harm would result from the stable building and ménage in terms of openness.

#### Impact upon Openness – Stable building and ménage

- 10.11 The proposed stable building, whilst considered to be of a suitable size and scale for the intended use in this case, nevertheless it would have an impact upon the openness of the Green Belt, particularly given its location on land that is currently undeveloped. However, the building is of a size, scale and design that is comparable to an agricultural building that would typically be found within a rural location such as this. Furthermore, the building would benefit from screening from mature trees to the west and north which would help screen the building from other parts of the site and areas outside of the site, reducing the impact of the building on openness from outside of the site. It is acknowledged that the building is, however, likely to be visible from views from the public footpath to the south of the site (footpath High Wych 001).



- 10.12 The proposed ménage would have a very limited impact upon openness, resulting from the 1.4 metre high post and rail enclosure fencing and the retractable lighting columns.

Character and Appearance including Listed Building and Conservation Area Impact

- 10.13 The proposed garage and store buildings would be of a traditional design, form and materials of construction and are considered to be of a modest size and scale. As such, they would form appropriate additions to the site that would not be detrimental to the setting of the Grade II Listed Building or to the character and appearance of the High Wych Conservation Area.
- 10.14 The proposed stable building is also of a suitable size, scale and design and sympathetic materials of construction are proposed. The resulting building would appear similar to an agricultural building and would not have a detrimental impact on the overall character and appearance of the site and the surrounding area. It would be sited some 65 metres away from the Listed Building and appears to be located just outside, but adjacent to, the boundary with the High Wych Conservation Area. The area of trees to the west of the proposed stable building, together with the approximate 65 metres set back, would help to screen the building from the Listed Building and the wider Conservation Area. The observation made by Historic England that the proposal would result in a sprawl away from existing buildings is noted. However, having visited the site Officers consider the location of the proposed buildings to be suitable in this case. In particular, it is considered that alternative locations for the stables building elsewhere within the site would be likely to involve construction on uneven land or woodland (i.e. to the west of the proposed location); land that forms the garden area closer to the Listed Building, or open grazing land that would be highly visible from public views outside of the site (i.e. the land to the north of the access off of High Wych Road). The proposal has been assessed by the Council's Conservation Officer who has commented that it would not have a harmful impact upon the setting of the Listed Building and the character of the Conservation Area and, notwithstanding the concerns raised by Historic England, Planning Officers agree with this assessment.
- 10.15 The proposed ménage and post and rail fencing would form typical developments within a rural location such as this and would not be detrimental to the character and appearance of the area or to the

setting of the Listed Building or to that of the adjacent Conservation Area.

- 10.16 The proposed floodlighting, when in operation, would have some impact upon the rural character and appearance of the surrounding area and the setting of the listed building. However, the lighting would be provided on retractable poles that can be lowered when they are not in use and the supporting statement that has been submitted with the application outlines that the use is intended to be restricted to five evenings a week between the hours of 17.30 and 19.30 and between October 1st and April 15<sup>th</sup> each year. Officers have recommended a condition to restrict the use of the lighting to these approximate times and this would limit the impact that they would have on the character and appearance of the area and the setting of listed building to an appropriate degree.

#### Tree Impact

- 10.17 Following concerns that were raised by the Council's Landscape Officer, revised plans were submitted to show the location of the existing trees sited to the north and west of the proposed stable building and the siting of the building was amended to increase the distance to these trees.
- 10.18 Having regard to the subsequent comments that were received from the Landscape Officer, Planning Officers are now satisfied that the proposal would not result in an unacceptable impact upon existing trees. However, a condition is recommended to require details of construction and methods of tree protection to ensure that the roots of the trees are suitably protected during the course of construction. As these trees are located within the Conservation Area and provide screening of the building from the Listed Building and the wider area their protection is considered to be necessary in this case.

#### Ecology

- 10.19 Having regard to the latest advice from Herts Ecology, Officers consider that the measures outlined within the Ecology report, i.e. the removal of spoil from the site before the breeding season; the sealing of excavations overnight; the checking of excavations each morning for newts and, if found, advice being taken from an experienced ecologist, would be sufficient to ensure that the proposal would not have an unacceptable impact upon protected species.

### Neighbour Amenity

- 10.20 The proposed developments are located some 80 metres away from the residential curtilages of the neighbouring dwellings to the north and some 125 metres away from neighbouring dwellings to the west. Having regard to these distances and the condition that is recommended to restrict the use of the proposed lighting, Officers do not consider that the proposal would have an unacceptable impact upon the amenities of neighbouring occupiers.

### Surface water drainage

- 10.21 The objection that has been received from the County Environmental Resource Planning team due to the absence of a surface water drainage assessment, is duly noted. It is acknowledged that the only reason that these comments have been provided is due to the size of the site which results in the planning application being categorised as a 'Major' development proposal. Having discussed this with the Environmental Resource Planning team at the County Council, Officers can confirm that, had the red outline around the application site been reduced to enclose the area where the development is proposed, then they would not have raised an objection even though the proposed development would have been the same.
- 10.22 In addition to that, the site is located within Flood Zone 1 (lowest risk of flooding) and, having regard to the comments received from the Council's Engineers, it appears that there are no known surface water flooding issues that affect the site. Given these matters, Officers consider that it is not necessary for a surface water drainage assessment to be submitted in this case and consider that it would be unreasonable to refuse planning permission for this reason.

### Benefits of the proposal – Stable building and menage

- 10.23 As the stable building and menage represent inappropriate development, and some harm has been identified in terms of loss of openness, it is necessary to consider whether there are any material considerations which weigh in favour of the proposed structures and whether these benefits would clearly outweigh the harm identified.
- 10.24 Paragraph 81 of the NPPF states that within the Green Belt local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access and to provide opportunities for outdoor sport and recreation. The

proposed ménage and stables building would provide opportunities for outdoor sport and recreation. Whilst it is noted that the proposal would only benefit the occupiers of the Grange, and would not provide any wider public opportunities for outdoor sport and recreation, Officers nevertheless, attribute weight to this material planning consideration. A commercial use of these facilities would be inappropriate in any event as that would result in additional activity and vehicle movements to and from the site that could have a harmful impact upon the Green Belt.

- 10.25 A further benefit of the proposal is that it would avoid the need for the applicant to frequently travel away from the site, and transport their horses and specialist equipment, which is a more sustainable approach. Some weight is also attributed to this consideration.

## **11.0 Conclusion**

- 11.1 The proposed garage and store buildings are considered to form appropriate development within the Green Belt and are of an appropriate size, siting and design such that they would not have any significant impact on the surrounding area or on the setting of the Grade II listed building.
- 11.2 The proposed ménage and stables have been assessed as constituting inappropriate development within the Green Belt and some additional harm has been identified from this element of the scheme in terms of impact on openness and some limited harm from the provision of lighting.
- 11.3 However, against that, can be weighed the benefits of the proposal in terms of providing appropriate facilities to support and encourage outdoor sport and recreation which the NPPF encourages within the Green Belt. Furthermore, the benefits of the proposal in terms of reduced travel to and from other equestrian facilities for training purposes, are considered to carry some weight in the overall planning balance.
- 11.4 In this instance Officers consider that the benefits of the proposal can be said to clearly outweigh the harm caused by the stable building and ménage, by reason of inappropriateness and the other harm identified. It is considered therefore that there are very special circumstances in this case to justify the grant of planning permission, subject to conditions.

- 11.5 The proposed development would not result in an unacceptable impact upon trees of amenity value; the amenities of neighbouring occupiers; the setting of the nearby Grade II Listed Building or the character and appearance of the surrounding Conservation Area.
- 11.6 On balance, therefore, Officers consider the proposal to be acceptable and it is therefore recommended that planning permission be granted subject to the following conditions.

### **Conditions**

1. Three year time limit (1T12)
2. Approved plans (2E10)
3. Materials of construction (2E11)
4. Tree /hedge retention (4P05)
5. Prior to the commencement of the stables building and ménage an Arboricultural method statement shall be submitted to, and approved in writing by, the Local Planning Authority demonstrating that the existing trees to be retained will be sufficiently protected during the construction phase. The development shall thereafter be carried out in accordance with the approved details.

Reason: To avoid damage to the health of existing trees adjacent to the site in accordance with policy ENV11 of the East Herts local Plan Second Review April 2007.

6. The approved lighting shall be not used between the hours of 20:00 and 08:00 and, when not in use, the lighting poles shall be retracted.

Reason: In the interests of the visual amenities of the area and the amenities of neighbouring occupiers, and in accordance with Policies GBC1, ENV1 and ENV23 of the East Herts Local Plan Second Review April 2007.

7. The development hereby permitted shall be carried out in accordance with the 'avoidance measures' detailed in the Ecology Information report, received on the 12<sup>th</sup> November 2015 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the habitats of Great Crested Newts which are European protected species, and in accordance with Policy ENV16 of the East Herts Local Plan Second Review April 2007.

8. Private use of stables (5U11).

**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 (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); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The balance of the considerations having regard to those policies and the approval of LPA reference 3/15/1491/LBC is that permission should be granted.