

**5d 3/10/0761/FP - New club house and shower facilities for fishing lakes - retrospective at Redricks Lakes, Redricks Lane, Sawbridgeworth, Herts, CM21 0RL for Mr Mitchell Edwards.**

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**Date of Receipt:** 16.11.2010

**Type:** Full – Major

**Parish:** SAWBRIDGEWORTH

**Ward:** SAWBRIDGEWORTH

**RECOMMENDATION**

(a) That planning permission be **REFUSED** for the following reason:

1. The application site lies within the Metropolitan Green Belt as defined in the East Hertfordshire Local Plan wherein permission will not be given except in very special circumstances for development for purposes other than those required for mineral extraction, agriculture, essential small scale facilities for participatory sport and recreation or other uses appropriate to a rural area. The proposed development would not provide facilities that are either small scale or essential for the recreational use of the fishing lakes and as such the proposed development would be detrimental to the openness of the Green Belt and contrary to policy GBC1 of the East Herts Local Plan Second Review April 2007.

(b) 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 unauthorised new club house and shower facilities.

Period for compliance: 3 months

\_\_\_\_\_ (076110FP.NB)

**1.0 Background**

1.1 The application site is shown on the attached OS extract.

1.2 It is located within the Green Belt, south of Redricks Lane and south west of Redricks Farm and is accessed from an unmade highway off Redricks Lane. It is occupied by fishing lakes which are used for recreational purposes.

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- 1.3 The current proposal seeks retrospective permission for two new buildings that have been constructed at the site. The buildings are sited adjacent to the south east corner of the larger lake on the site and comprise a club house and a shower block.
- 1.4 The club house itself occupies a floor area of approximately 47 sqm and benefits from an additional external terrace area that contains some benches. The building is raised from ground level by stilts and has a pitched roof reaching a ridge height of approximately 5.3 metres from ground level. The building is clad with timber and has a cedar shingle roof. It contains a number of tables and chairs and a kitchen counter, however there are currently no kitchen appliances within the building. A mobile catering unit is situated adjacent to the clubhouse and appears to be used to provide hot food which is then consumed within the club house itself. Members should note that the mobile catering unit does not form part of the current application for planning permission.
- 1.5 The application differs slightly from the development currently existing at the site. The plan that has been submitted for the shower block proposes a single building containing a large changing room, a shower room and 2 WC's. However, two separate buildings have been constructed at the site within close proximity of each other and are occupied by 2 WC's, 4 shower rooms and a changing room. Members should therefore consider the current application for planning permission based upon the plans that have been submitted but the recommended enforcement action would be in respect of the development existing on site. . The proposed plans show that the resulting shower building would cover a floor area of approximately 22 sqm. The building is clad with timber and has a flat roof reaching a height of approximately 3 metres.
- 1.6 Whilst a porta cabin approved under the original permission for fishing at the lakes is not in situ, another building has been erected on the northern bank of the lake. There is no record of planning permission being granted for this building and Officers are unclear how this building is currently used. Officers within the Enforcement team will be asked to investigate this particular matter further.
- 1.7 The applicant has explained that the lakes are now used for swimming and triathlon races, ancillary to their use as fishing lakes, and it appears that this ancillary use has led to the need for the new facilities at the site. Notwithstanding this, the shower facilities and the clubhouse are intended to be used by both fishermen and swimmers.

## **2.0 Site History**

- 2.1 The site was formerly a quarry and was subject to various previous applications for the approval of development that constituted a County Council Matter.
- 2.2 In 2008 planning permission was granted under delegated powers for the change of use of land to fishing lakes including access road, car park and siting of porta cabin by the lakes for storage and base for the bailiff (Ipa. reference 3/08/0180/FP). It should be noted that the approved porta cabin is not currently in situ.

## **3.0 Consultation Responses**

- 3.1 The Campaign to Protect Rural England have commented that the applicant has not in their view demonstrated that the club house is an 'essential facility' for the use of the lakes for outdoor sport and recreational purposes that would justify overriding Green Belt policy as set out in PPG 2: Green Belts, and Saved Adopted East Herts Local Plan Second Review 2007 Policy GBC1.
- 3.2 Veolia Water has commented that the site is located within the groundwater Source Protection Zone of Redricks Pumping Station and that the construction works should be done in accordance with the relevant British Standards and Best Management Practices.
- 3.3 The County Development Unit has commented that they would support the provision of suitable low-key facilities consistent with the use of the lakes for recreational purposes. Whilst they do not object to the current siting on the south bank of the lakes, their preference would be for the buildings to be sited on the north bank where there is ample established vegetation to screen the buildings from view.
- 3.4 County Highways do not wish to restrict the grant of permission subject to a condition which requires the reconstruction of the existing vehicular access.
- 3.5 British Waterways have commented that the proposed structures are located in an area where there is good and mature tree cover between the club house and the River Stort. An informative is recommended to be attached to any planning permission granted to request that the applicant contacts British Waterways to ensure that any necessary consent is obtained.

3.6 The Environment Agency have no objection to the development. The buildings are located in an area that is at risk of flooding and although the buildings are raised above ground level they may not be above the peak flood level and therefore may flood and would not provide safe refuge. The Local Planning Authority should therefore be satisfied that adequate evacuation plans are in place should a flood event occur.

#### **4.0 Town Council Representations**

4.1 Sawbridgeworth Town Council has no objection to the development.

#### **5.0 Other Representations**

5.1 The applications have been advertised by way of press notice, site 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:-

GBC1 Green Belt  
ENV1 Design and Environmental Quality  
ENV2 Landscaping  
ENV19 Development in Areas Liable to Flood

6.2 In addition, the following National policy guidance is relevant:-

Planning Policy Guidance 2: Green Belts

#### **7.0 Considerations**

7.1 Both PPG2 and Local Plan Policy GBC1 outline specific types of development that are appropriate within the Green Belt, which includes agricultural related developments and essential small scale facilities for outdoor sports and recreation. The fishing lakes have an established sport and recreational use and therefore Members must determine whether the developments that are the subject of this application for planning permission constitute essential small scale facilities for the use of the site as fishing lakes.

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- 7.2 Officers are sympathetic to the requirements of the applicant to provide some toilet facilities at the site, however, the buildings that provide these facilities also provides 4 shower rooms and a large changing room. The applicant has explained that in addition to the main use of the lakes for fishing, the site is also used for ancillary activities including bird watching, swimming and triathlon racing. The applicant has stated that the shower facilities are intended to be used by fishermen and swimmers. Officers do not consider that it has been demonstrated that the proposed facilities for 4 shower rooms and the changing facilities are essential to the use of the site as recreational fishing lakes.
- 7.3 Whilst the clubhouse may be desirable for the applicant and may prove to be useful as a classroom for triathlon training and to provide shelter for the fishermen and woman using the site, Officers do not accept that the buildings that have been constructed at the site are small scale and essential for the recreational use of the land and therefore they do not form appropriate development in the Green Belt as defined by PPG2 and Policy GBC1. Such facilities, if Members considered them to be 'essential' could be provided within a single, smaller building which would much better preserve the openness and rural character of the area.
- 7.4 PPG2 states that inappropriate development is, by definition, harmful to the Green Belt and that the onus is upon the applicant to demonstrate that the harm that the inappropriate development would cause to the Green Belt would be clearly outweighed by other considerations. Very special circumstances must be demonstrated to allow the proposed inappropriate development and to justify a departure from local and national policy.
- 7.5 Not only is the proposed development harmful by definition, but Officers also consider it to be harmful to the openness and character of the Green Belt. The buildings appear prominent within the site and in particular when seen from the open views across the lakes and from the access to the north.
- 7.6 Whilst the applicant has explained that the facilities would benefit the users of the fishing lake and has located the buildings so that they would be screened by landscaping from view points outside of the site, Officers do not consider that these matters constitute the very special circumstances required to justify the development. Nor does this outweigh the harm that the development causes to the openness of the Green Belt.
- 7.7 The planning permission that was granted for a porta cabin by the lakes for storage purposes and as a base for the bailiff in 2008 is a material consideration in determining current application. The approved porta cabin is not currently present at the site. It was of a similar design to the existing

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shower/changing room building, however, would have been approximately 3 sqm smaller in floor area and would have had a reduced height by 0.3 metre. The approved floor plan for the portacabin showed an office and a safe/store room.

- 7.8 Having regard to the previous planning permission that was granted for a portacabin in 2008, Officers consider that it would be unreasonable for the Council to not look favourably upon a proposal for a replacement building of the same size as that previously approved and for purposes that could meet the needs of the applicant for both a room to provide shelter and providing a shower/changing room and a WC. However, that is not what is proposed within this application and therefore Members must consider whether the current retrospective application is acceptable.

### **8.0 Conclusion**

- 8.1 The buildings that have been constructed at the site cannot be considered to form small scale or essential facilities for the existing sport and recreational use of the site. The development therefore constitutes inappropriate development within the Metropolitan Green Belt. The development would be harmful to the openness of the Green Belt in conflict with PPG2 and Policy GBC1 and Officers consider that there are no very special circumstances which would outweigh the harm that the proposed development would have upon the openness of the Green Belt.
- 8.2 Having regard to all of the above considerations it is recommended that planning permission is refused.
- 8.3 Furthermore, for the above reasons, it is recommended that authorisation be given to issue and serve a Planning Enforcement Notice requiring the removal of the unauthorised new club house and shower facilities.