

**5c 3/11/0520/FP – Change of use of land to horse keeping. Erection of stable block and new vehicular access at land at Sacombe Corner Wood, Frogmore Hill, Watton-at-Stone for Mr. Gary Madgin**

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**Date of Receipt:** 28.03.2011

**Type:** Full - Major

**Parish:** ASTON

**Ward:** DATCHWORTH AND ASTON

**RECOMMENDATION:**

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

1. Three year time limit (1T12)
2. Approved plans (2E10) – P001A, P002A, P003A, P004A, P005A, P006A
3. Materials of construction (2E11)
4. Access gradient 1 in 20 (3V12)
5. Private use of stables (5U11)
6. No works or development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved in writing by the Local Planning Authority. These details shall include: (a) Hard surfacing materials and surface water drainage (b) Minor artifacts and structures (e.g. refuse or lighting) (c) Planting plans including written specifications, schedules of plants, noting species, planting sizes, proposed numbers/densities and implementation timetables.

**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.

7. Landscape Works implementation (4P13)
8. Prior to the commencement of the creation of the new vehicular access (unless undertaken between the months of October-February), a qualified ecologist shall undertake observations and recording for nesting birds within the immediate area of the proposed access. A record and observations and results shall be submitted to and approved in writing by the Local Planning Authority and any subsequent mitigation shall be undertaken in accordance with the findings of the survey.

Reason: To protect the habitats of breeding birds which are protected under the Countryside and Rights of Way Act 2000, and in accordance with Policy ENV16 of the East Herts Local Plan Second Review April 2007 and PPS9: Biodiversity and Geological Conservation.

Directive:

1. Other legislation (010L)
2. Where works are required within the public highway to facilitate vehicle access, the Highway Authority require the construction of such works to be undertaken to their specification and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Eastern Herts Highways Area Office, Hertford House, Meadway Corporate Centre, Rutherford Close, Stevenage SG1 3HL (Telephone 01438 757880) for further information and to determine the necessary procedures.
3. Groundwater Protection Zone (28GP) insert 'Whitehall'.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the 'saved' policies of the East Herts Local Plan Second Review April 2007), and in particular policies GBC3, ENV1, ENV2, ENV11, ENV16 and PPS7 and PPS9. The balance of the considerations having regard to those policies is that permission should be granted.

Please note that under new regulation 11D of the Town and Country Planning (fees for applications and deemed applications) (amendment) (England) Regulations 2008, a fee is chargeable of £85 per request (or £25 where the related permission was for extending or altering a dwelling house) for the discharge and/or confirmation of compliance with a condition. To avoid any unnecessary cost we would recommend that you submit all the required information for discharge of conditions in one application as the fee is payable per request.

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**1.0 Background:**

- 1.1 The application site is shown on the attached OS extract. It comprises a deciduous wood known as Sacombe Corner Wood with agricultural land

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on two sides. It is situated in open countryside about one kilometre south east of the village of Aston. The rural lane Frogmore Hill follows the northern and eastern boundaries of the site.

- 1.2 The proposal is for the change of use of the land (0.24 hectares) for the keeping of horses including the erection of a stable block together with associated hard surfacing and new vehicular access.

#### **2.0 Site History:**

- 2.1 There have been two previous applications at this site which were both withdrawn after Officers indicated that they were recommended for refusal.
- 2.2 The most recent application, (Ref 3/11/0101/FP), was made for the change of use of land to the keeping of horses and erection of stables, was due to be recommended for refusal on grounds of the prominence of the siting of the stable building.
- 2.3 Prior to that application, lpa 3/10/1574/FP, for the change of use of land to horse keeping and the erection of cattle shed and stable block with re-establishment and upgrading of existing access and driveway was withdrawn after Officers recommended refusal on grounds of: - Insufficient justification for an agricultural building of the size proposed on this holding and that the building would be conspicuously sited within the site; that the local planning authority is not satisfied that the proposed stable building would represent essential small scale development for outdoor recreation particularly given the size of the proposed building and the size of the holding and the proposal to accommodate an unspecified number of cattle within the same grazing area; insufficient information to accurately assess the likely impact of the access road on the trees in Sacombe Corner Wood; and insufficient information to assess the impact of the proposed development on wildlife within the woodland.

#### **3.0 Consultation Responses:**

- 3.1 Environmental Health advises that any permission shall include conditions for manure disposal.
- 3.2 Hertfordshire Highways have commented that they do not wish to restrict the grant of permission subject to conditions for surfacing materials, surface drainage measures, siting of gates at the entrance and access gradients and visibility matters.
- 3.3 Hertfordshire Biological Records Centre comment that the change of

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land to horse keeping and the erection of the stable block and yard, together with the new access do not have any ecological implications, but comment that the creation of the vehicular access should be carried out at an appropriate time of year to prevent disturbance or harm to breeding birds.

- 3.4 Veolia Water comment that the site is located within the groundwater source protection zone of Whitehall Pumping Station and that the construction works and operation should be done in accordance with the relevant British Standards and Best Management Practices.
- 3.5 Natural England comments that this is not an application they would comment on, but refer the Authority to relevant guidance.
- 3.6 No comments have been received from the Councils Engineering Section but they previously commented that the site is situated within flood zone 1, wherein there are no historic flood incidents at the site, and is away from a surface water inundation zone with no main river watercourses or drains in the area. They commented that as the site is Greenfield there may be surface water runoff and therefore soakaways, permeable paving and similar should be incorporated.
- 3.7 No comments have been received from the Councils Landscape Section, Essex Wildlife Trust, The RSPB or Herts and Middlesex Wildlife Trust.

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

- 4.1 No comments have been received from Aston Parish Council.

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

- 5.1 The applications have been advertised by way of press notice, site notice and neighbour notification. No letters of representation have been received.

#### **6.0 Policy:**

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

SD1	Making Development more Sustainable
GBC1	Appropriate Development in the Green Belt
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV11	Protection of Existing Hedgerows and Trees

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ENV16	Protected Species
ENV17	Wildlife Habitats
TR20	Development Generating Traffic on Rural Roads

6.2 National Planning Guidance of relevance to the determination of the application are PPS1 (Delivering Sustainable Development), PPG2 (Green Belts) PPS7 (Sustainable Development in Rural Areas) and PPS9 (Biodiversity and Geological Conservation).

### **7.0 Considerations:**

#### **Principle of Development**

- 7.1 The site lies within the Metropolitan Green Belt wherein the construction of new buildings will be inappropriate unless they are required for certain specified purposes. Policy GBC1 of the Adopted Local Plan states that the material change of use of land will be inappropriate unless they maintain openness and do not conflict with the purposes of including land in the Green Belt. The construction of new buildings will be inappropriate unless they are 'essential small scale facilities for outdoor sport and outdoor recreation'.
- 7.2 The determining issues in this case therefore relate to whether the change of use is appropriate; whether the stable building represents an 'essential' and 'small scale' facility; and the impact of the proposals, including the new access on the character and appearance of the site and its surroundings.
- 7.3 Turning to the change of use of the land from agricultural to the keeping of horses, this use is considered to be acceptable in principle in the Green Belt as it will maintain openness and does not conflict with the purposes of including land in the Green Belt as defined within PPG2. The change of use therefore complies with policy GBC1.
- 7.4 I turn now to discuss the stables. It is proposed to construct an 'L' shaped stable block, comprising four stables, a feed room, a tack room and store. Policy GBC1 allows for essential small scale facilities for outdoor sport and outdoor recreation. The submitted Design and Access Statement outlines the reasoning for the proposed stables that are to be private stables for the applicant, his wife and three daughters. In this respect I consider that the stables are 'essential' for the keeping and exercising of horses on the land. In terms of whether the proposal is 'small scale', the stable building will measure 11.2 by 16.8 metres with a maximum ridge of 3.7 metres. Guidance within PPS7: Sustainable Development in Rural Areas when commenting on equine-related activities states that an enterprise of up to ten horses is

considered small scale. The proposed building will stable 4 horses and, even with the associated tack room, feed room and store, I consider the proposal to be small scale.

### **Scale and Layout**

- 7.5 As stated previously the building will measure 11.2 by 16.8 metres with a maximum ridge of 3.7 metres which in itself is considered acceptable. The stable building is proposed to be constructed in dark stained timber cladding with fibre cement sheeting. The doors are proposed to be dark stained solid timber and Officers consider that this would appear in-keeping with the character of the rural surroundings.
- 7.6 In respect of the proposed siting of the stable building, this has been chosen to be away from the roadside and to utilise the natural lie of the land. The stables are sited against the backdrop of the woodland and would appear in keeping and sympathetic to the character and appearance of the Green Belt.

### **Landscaping**

- 7.7 The proposed development will have no impact on existing trees or hedgerows. Although as stated above, the stables would not appear out of keeping with the character and appearance of the surroundings, the site is open to the northeast roadside. The submitted plans indicate that this gap is to be planted with native hedging to match the existing. To ensure that the stable building would not appear unduly prominent and to assimilate the building into the landscape, a condition for landscaping to the boundary is imposed.
- 7.8 Information has been submitted on the proposed hard landscaping of the site, which appears acceptable in principle, however Officers consider a condition is required for full details, in particular of hard-standings and parking/turning areas to prevent unacceptable surface water runoff onto the highway.

### **Access and Parking**

- 7.9 A new vehicular access is proposed. Highways have confirmed that subject to the gradient of the access to be 1:20 and hard surfacing to be conditioned, that the proposal remains acceptable in a highway context.
- 7.10 Officers note that there is sufficient parking available on site and further, it is not anticipated that the proposed use would generate a significant volume of traffic movements in the rural lane.

**Neighbour Amenity**

- 7.11 Policy ENV1 requires that proposals should respect the amenity of occupiers of neighbouring buildings. It is not considered that the stabling and grazing of horses will result in any loss of amenity to the nearest dwellings which are located at Waterworks Cottages on the other side of Frogmore Hill.

**8.0 Conclusion:**

- 8.1 Overall, Officers consider the proposed change of use to constitute appropriate development in the Green Belt with the stable building being an essential small scale facility for outdoor sport and recreation. The siting of the stable building is discreet and makes effective use of the natural lie of the land so that the building would be in keeping with the character and appearance of the Green Belt locality.
- 8.2 The application is therefore recommended for approval subject to conditions as set out at the commencement of this report.