

WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT
DELEGATED REPORT

APPLICATION No: S6/2013/2275/MA

SITE ADDRESS: Park Farm, Northaw Rd West

DESCRIPTION OF DEVELOPMENT: Retention of 8 floodlights serving the south manège; retention of the north manège; and retention of 4 stable buildings

RECOMMENDATION: APPROVAL

1. SITE AND APPLICATION DESCRIPTION:

The application site, known as Park Farm, is located to the east of Northaw and outside the main built up area of the village. The site extends to approximately 104 hectares in area and includes land either side of Northaw Road West (B156) running roughly east-west through the site.

On the southern side of Northaw Road West, the site contains a residential dwelling with a defined curtilage adjacent to a mixed group of farm buildings, including several stable blocks, two manèges (north manège and south manège) and associated hard surfacing. The site has an established equestrian and livery use located to the south east of the dwelling and some agricultural use in the form of hay cutting from fields surrounding the equestrian and residential use including land on the north side of Northaw Road West.

This application seeks full planning permission for the retention of 8 floodlights which serve the south manège; the retention of north manège which is unlit; and the retention of four unauthorised stable buildings. The stable buildings are timber clad with felt covered shallow pitched roofs and can accommodate up to 15 horses in total.

2. SITE DESIGNATION:

The site lies within the Metropolitan Green Belt and Landscape Character Area 53 as designated in the Welwyn Hatfield District Plan 2005.

3. RELEVANT PLANNING HISTORY:

S6/2012/02461/FP Erection of two stable blocks
Refused 21/03/2013

ENF/2012/1396 Without planning permission the erection of stable blocks and stationing of a portacabin
The Planning Control Committee authorised enforcement action on this element, being 1 of 3 breaches of planning control, on 3/01/2013

ENF/2009/0216	Without planning permission the change of use of the land to storage of metal containers and storage and parking of vehicles and the installation of a hard surface to accommodate this use The Planning Control Committee authorised enforcement action on this element, being 2 of 3 breaches of planning control, on 3/01/2013
S6/1995/0545/FP	Permanent use as livery stables and riding school, with manege (variation to condition 1 of Planning Permission S6/0319/93/FP which restricted permission to temporary period) Approved
S6/1995/0089/FP	Erection of flood lighting to existing manege Approved
S6/1993/0319/FP	Use of existing stables (with permission for stabling bloodstock horses) for livery and riding school and formation of manege (exercise area) Approved
S6/1992/0238/FP	Change of use of a) an agricultural workshop and b) an agricultural barn, for the stabling of bloodstock horses Approved

4. CONSULTATIONS:

No objections have been received in principle from the British Horse Society; Hertfordshire County Council, Transport Programs Strategy; Environment Agency; Welwyn Hatfield Borough's Environmental Health; Hertfordshire Ecology, Hertfordshire & Middlesex Wildlife Trust.

5. NEIGHBOUR REPRESENTATIONS:

One representation has been received from a member of public which may be summarised as:

- Object to the proposal
- Inaccurate information provided on the submitted application form
- There are no plans for the storage and disposal of manure
- The buildings are in close proximity to the road, trees and hedges and can see clearly from the road
- The buildings are too close to residents houses and were erected prior to submitting an application

6. TOWN/PARISH COUNCIL REPRESENTATIONS

The Parish Council – “Based on the PC’s interpretation of these plans and taking into account the significant concerns and objections of local residents we do not approve these proposals.”

7. MAIN PLANNING ISSUES AND RELEVANT PLANNING POLICIES:

The main planning issues with this application are:

- a) The acceptability in principle of the proposed development (Local Plan Policies RA10, RA24, R11, R20, D1, D2 and the National Planning Policy Framework paragraphs 79, 81, 87-90, 109-118)
- b) Other material planning considerations (Local Plan Policy R7 and National Planning Policy Framework paragraph 109)

8. ANALYSIS:

- a) The acceptability in principle of the proposed development

Policy RA24 "Riding and Livery Stables" states that planning permission will be granted for small scale riding and livery stables, subject to the certain criteria.

- (i) The impact on the Green Belt;*
- (ii) The number, size, height and materials of buildings proposed;*
- (iii) Their relationship to existing buildings and the surrounding area reflecting the rural character and landscape;*
- (iv) Their effect on neighbouring properties i.e. smell and noise*
- (v) Their effect on environmental assets such as wildlife habitats; and*
- (vi) Consideration of the standards for the safety and comfort of horses; recommended by the Countryside Agency and The British Horse Society.*

New residential accommodation needed for the maintenance of the stables will not be permitted.

Proposals will not be permitted unless local roads are able to accommodate the anticipated additional vehicular traffic and links are provided from the site which give riders direct access to the bridleway network where appropriate. The implementation of these requirements will be achieved through the use of planning conditions or Section 106 agreements.

The following section of the report will consider the proposal against the criteria listed above.

- (i) The impact on the Green Belt.

The site is located within the Green Belt, where in accordance with the National Planning Policy Framework (NPPF), inappropriate development is, by definition, harmful to the Green Belt. Paragraph 89 of the NPPF explains that the construction of new buildings should be regarded as inappropriate, subject to a limited number of exceptions. One of these is the provision of appropriate facilities for outdoor sport, outdoor recreation, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. The rearing and riding of horses is an outdoor sport and recreational activity for which the development of stables and a manège, including lighting, is considered appropriate in order to support this use. However, an assessment must also be made of the impact that the

development will have on the openness of the Green Belt and the purposes of including land within it.

In terms of the effect of the proposal on the openness of the Green Belt and its visual amenity, the NPPF identifies in paragraph 79 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The presence of any form of building would inevitably reduce the openness of the Green Belt by reason of its three dimensional bulk and its siting on land which is currently free from development. However, in this case the stables buildings are all closely related to the mixed group of farm buildings which make up the equestrian complex. Whilst the stables would be capable of being seen from some public vantage points, they would not readily catch the eye. In terms of the wider public realm they would be barely discernible and inconspicuous. The stables would appear modest and discrete due to their relatively small scale and traditional appearance which would be seen as a normal rural addition within the countryside alongside the much larger adjacent farm buildings. It is considered that the stables would maintain the openness of the Green Belt to an expectable degree and would not have a detrimental effect on the visual amenity of this part of the Green Belt sufficient to warrant refusal of planning permission.

Turning to the proposed retention of the north manège, whilst this has been sited on previously open and undeveloped land, its impact is limited owing to the construction of the manège broadly maintaining original levels, with the only physical structure being the post and rail fencing which surrounds its periphery. The erection of a fence in itself does not require planning permission. The manège is not considered to have an adverse impact upon the openness of the Green Belt or result in a degree of encroachment onto open countryside to warrant refusal of planning permission. It is also considered that manège would not erode the functional character and appearance of the Green Belt, which is a component of the rural landscape. Therefore it is considered that the development would not harm the intrinsic character of this part of the countryside and would not be detrimental to the visual amenities of the Green Belt.

Lastly, it is necessary to consider the impact on the Green Belt of the floodlights which serve the south manège. In considering this application it is of material significance that this site already benefits from planning permission for 3No. floodlights granted under planning reference S6/1995/0089/FP, although details relating to this permission are limited. This application proposes the retention of 8No. floodlights overall height of some 6m. The south manège is located adjacent to the group of farm buildings which make up the equestrian complex. These farm buildings have significantly reduced openness. The floodlights on their relatively short, slender and well-spaced poles do not add materially to that effect. Though use of the lighting may affect the character of the area in darkness, it does not result in further loss of countryside. Accordingly, this aspect of the scheme does not conflict with the purposes of including land in Green Belts.

During daylight hours, the floodlights have an insignificant presence among the manège, stabling and other buildings. At those times the floodlights have no significant effect on the area's character and appearance. In darkness, though the

light is directed downwards towards the manège, there is some light spill over the surrounding area this does change the character and appearance of its immediate surroundings. Whilst the character of the area is changed when the lights are in use, any perceived harm is lessened by the limited hours, during winter months only, when they are normally in use. It is considered that planning conditions controlling the hours of use and light spread would limit the impact to an acceptable degree.

Overall it is considered that the proposed development is appropriate within the Green Belt and would maintain the openness of the Green Belt to an expectable degree and does not conflict with the purposes of including land within it. The proposal would, as a minimum, maintain the character of this part of the countryside in accordance with the requirements of the NPPF and criterion (i) of RA24.

(ii) The number, size, height and materials of buildings proposed

In addition to Policy RA24, Policies D1 and D2 respectively require high quality design in all new development and for proposals to respect and relate to the character and context of their location, maintaining and where possible enhancing the character of the existing area. These policies are expanded upon in the Council's Supplementary Design Guidance (SDG)

The 15 stables proposed are considered acceptable in the context of the scale of operations at Park Farm and the extent of the application site which extends to 104 hectares. More importantly, the ridge height of the stable has been kept to just 2.8m and the buildings have been designed so as to be in keeping with the surrounding rural character, being finished in timber cladding. Although they are not of a high quality, these materials are considered acceptable for this type of building and should improve with weathering. Given the much larger scale of the surrounding group of farm buildings, it is considered that the proportions of the stables and the floodlights are acceptable. Subsequently, no objections are raised with regard to criterion (ii) of RA24 and Policies D1 and D2.

(iii) Their relationship to existing buildings and the surrounding area reflecting the rural character and landscape

The proposed siting of the new buildings and their impact on the visual amenity and the character of the area has already been discussed under criterion (i) and (i) of this report. Notwithstanding this, landscape character is considered by Local Plan Policy RA10 and so reference to this policy is appropriate

The site is located to the east of Northaw and outside the main built up area of the village. The main equestrian centre complex has a frontage onto the south side Northaw Road West which is defined by a boundary wall and gates. The application site and surrounding field slopes generally downhill from north to south, with undulations and variations in land level across the wider land holding. The fields have the appearance of grazing land trees and hedges along the field boundary. The wider character of the area is rural and features arable fields, pasture fields and woodland. As discussed previously, the design, materials and scale of the stable buildings is in keeping with the appearance of the mixed group of farm buildings which make up Park Farm. The application site is located within Landscape

Character Area (53) Northaw Common Parkland which requires a conserve and strengthen approach to be taken. The proposal is not considered to be detrimental to these objectives and therefore no objections are raised with regard to Policies RA10, D2 and criterion (ii) of RA24.

(iv) Their effect on neighbouring properties i.e. smell and noise

The Parish Council commented that “taking into account the significant concerns and objections of local residents they do not approve these proposals”. No further details have been provided with regards to any specific areas of concern. One objection was received from a neighbour on the grounds that the buildings are too close to residential properties and that there are no plans for the storage and disposal of manure. Welwyn Hatfield Borough Council’s Environmental Health Team were consulted and did not object to the proposal.

The nearest residential properties are situated on the northern side of Northaw Road West and are separated by a minimum of 50m from the nearest of the stable buildings which are the subject of this application. In terms of siting, the stable buildings are closely related to the surrounding group of buildings and would not have an unreasonable impact on light amenity or the level of privacy afforded to the neighbouring residencies and would not appear visually overbearing. The proposed stables are considered relatively small scale in the context of existing buildings and the scale of operations at Park Farm. It is also considered that the proposal, over-and-above the existing permitted livery use, would not give rise to any undue smell and noise which would warrant the refusal of the application.

The new manège (north manège) is located close to the Northaw Road West frontage. It is unlit and its use is therefore restricted to daylight hours. The nearest residential properties are approximately 25m to the north and are separated by mature boundary planting and the busy highway, therefore, the manège should not have any adverse impact on the amenity neighbouring occupiers. The floodlights are positioned around the perimeter of the southern manège which is further away from the site frontage, being approximately 110m from the nearest residential properties. Given the topography of the site, the south manège and floodlights are at a much lower level which would further lesson their impact on neighbours. Having regard to the above, it is considered that the proposed development would not result in any significant harm to the amenity of residents of dwellings in the surrounding area, therefore, no objections are raised with regard to Policy D1, R19, R20 and criterion (iv) of Policy RA24.

(v) Their effect on environmental assets such as wildlife habitats

The loss of a relatively small area of grassland is unlikely to result in a significant impact of any wildlife habitats. Hertfordshire & Middlesex Wildlife Trust and Hertfordshire Ecology were consulted and did not object to the proposal. Whilst it is possible that the floodlighting may have a minor impact on bats, planning conditions controlling the hours of use and light spread would limit the impact to an acceptable degree in accordance with the comments from Hertfordshire Ecology. The development is in accordance with Policy R20 and criterion (v) of Policy RA24.

- (vi) Consideration of the standards for the safety and comfort of horses recommended by the Countryside Agency and The British Horse Society

Although the application site encompasses several nearby fields totalling 104 hectares in area, no information has been provided as to the extent of land used for keeping horses, subsequently, this criterion cannot be assessed. The British Horse Society were consulted and did not object.

Turning to the final two criteria of RA24, new residential accommodation would not be needed for the maintenance of the stables.

In terms of impact on the highway, existing access arrangements to the site would remain. Northaw Road West is a classified road, the B156 and is designated as secondary distributor road. At this location it is subject to a speed restriction of 40mph. Hertfordshire County Council Transportation Planning and Policy Department were consulted on this application and did not wish to restrict the grant of planning permission. It is considered a limited increase in traffic visiting the site is unlikely to have an unreasonable impact on the safety and operation of the adjoining highway.

Horse riders have a right to use bridleways, restricted byways and byways open to all traffic. They have no right to use footpaths and if they do they are committing a trespass against the owner of the land, unless the use is by permission. The application site includes a field to the south and south west of the stable buildings which is bounded to the east by a byway open to all traffic which leads to a bridleway. Furthermore, the application site is within the countryside where it is reasonable to expect horse riders to use local roads. Hertfordshire County Council Transportation Planning and Policy Department were consulted on this application and did not wish to restrict the grant of permission. In this case it would not be appropriate to refuse planning permission because there is no direct access from the site to the bridleway network.

b) Other material planning considerations

Storage and disposal of horse manure: Responsible storage and disposal of Horse Manure is necessary to protect the local environment from the harmful effects that runoff from manure can have if it is allowed to enter watercourses. Stables should be designed to prevent drainage contaminated with manure from entering any watercourse or drain. Local Plan Policy R7 states that planning permission will not be granted for development which poses a threat to the quality of both surface and/or groundwater. No details of drainage systems or provisions for the disposal of Horse Manure have been submitted. It is therefore reasonable to impose a planning condition requiring a detailed scheme for the storage and disposal of waste and manure to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

9. CONCLUSION:

The National Planning Policy Framework in paragraph 89 explains that the provision of appropriate facilities for outdoor sport, and outdoor recreation is not inappropriate in the Green Belt as long as it preserves the openness of the Green Belt and does

not conflict with the purposes of including land within it. The rearing and riding of horses is an outdoor sport and recreational activity for which the development of stables and a manège, including lighting, is considered appropriate in order to support this use. In addition the proposal would maintain the openness of the Green Belt to an expectable degree and does not conflict with the purposes of including land within it. The buildings have been designed so as to be in keeping with the surrounding rural character, being finished in timber cladding. Given the separation distance from neighbouring residential properties, existing boundary treatment and the topography of the site, it is considered that the proposed development would not result in any significant harm to the amenity of residents of dwellings in the surrounding area, therefore, no objections are raised with regard to the National Planning Policy Framework, Policy D1, D2, R19, R20, RA10 and RA24.

Whilst it is possible that the floodlighting may have a minor impact on bats, planning conditions controlling the hours of use and light spread would limit the impact to an acceptable degree in accordance with the comments from Hertfordshire Ecology. The development is in accordance with Policy R20 and criterion (v) of Policy RA24.

No details of drainage systems or provisions for the disposal of Horse Manure have been submitted. It is therefore reasonable, in accordance with Policy R7, to impose a planning condition requiring a detailed scheme for the storage and disposal of waste and manure to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

10. CONDITIONS:

1. C.2.1 Time limit for commencement of development
2. C.13.1 Development in accordance with approved plans/details PK_001_00_ sheet 1 of 2 & PK_001 sheet 2 of 2 & PKFM_001_005 received and dated 31 October 2013
3. The use of the 8 floodlights serving the south manege; the use of the north manège; and the use of the 4 stable buildings hereby permitted shall cease and structures, equipment and materials brought on to the land for the purpose of such uses shall be removed within one month of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-
 - (i) Within 3 months of the date of this decision schemes shall have been submitted for the written approval of the Local Planning Authority for:
 - a) a scheme for the installation and permanent retention of light cowls shall be submitted to the Local Planning Authority for its written approval;
 - b) a scheme for the collection, containment and frequency of removal of the manure shall be submitted to the Local Planning Authority for its written approval;
 - c) a timetable for implementation of a) and b) above.

- (ii) Within 6 months of the date of this decision the above schemes shall have been approved by the Local Planning Authority, or if the Local Planning Authority refuses to approve the schemes, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made, by the Secretary of State.
- (iii) If an appeal is made pursuant to (ii) above, that appeal shall have been finally determined and the submitted schemes shall have been approved by the Secretary of State.
- (iv) The approved schemes shall be carried out and completed in accordance with the approved timetable.

REASON: To comply with the requirements of the Wildlife and Countryside Act and Habitats Regulations; to protect species of conservation concern; and to maintain the character of this part of the countryside in accordance with the requirements the National Planning Policy Framework; to ensure that risks from contamination to the users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and others off site in accordance with Policy R7, R11, R20, RA10, RA24 and D2 of the Welwyn Hatfield District Plan 2005

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

The decision has been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be viewed on the Council's website or inspected at these offices).

INFORMATIVES:

1. No burning of straw and horse manure shall take place on site; all waste must be removed and taken to a suitably licensed waste site. Please note that small bonfires, consisting of cleared vegetation only, are permitted as long as they do not cause a statutory nuisance to neighbouring properties.

Signature of author..... Date.....