

DESIGN AND ACCESS STATEMENT

APPLICATION SITE: Warrenwood Manor (Equestrian area), Hornbeam Lane, Brookmans Park, Hatfield, AL9 6JF

APPLICANT: Mr & Mrs Nigel Brunt

APPLICATION PROPOSAL: Erection of single-storey equestrian building to form a covered manege and indoor riding facility (outline application).

NOTE: This is a first revision of previously refused application ref:6/2018/2149/OUTLINE and revises the positioning of the building within the equestrian area from that refused.

1. SITE DESCRIPTION AND INTRODUCTION.

The application site lies on the eastern side of Hornbeam Lane and is set within 13 hectares of land approved for equestrian use and facilities, with the centrepiece being a substantial 20 horse stable building and associated equestrian facilities which include an open manege used for riding and dressage.

The equestrian land is well defined having its own gated entrance, and forms part of the wider 24 ha. Warrenwood estate which also extends on the western side of Hornbeam Lane and contains the dwelling 'Warrenwood Manor'.

The applicant lives in the dwelling and utilises the stables and equestrian activities with his wife and 5 children.

The manager of the equestrian area and stables lives in a flat above the stables.

The various planning permissions granted by the council for the equestrian use and the stables were conditioned that they were to be used solely in connection with the host dwelling 'Warrenwood Manor', for ancillary residential (non-commercial) use.

The site is approached off the main road, Kentish Lane, via Hornbeam Lane, a bridleway and made up road which runs past a group of dwellings, formerly estate staff cottages, near the main road to lead into the appeal site through a gated entrance after some 400 metres.

Once inside the equestrian area there is a hardstanding and vehicle park with a small hay and storage barn and the main stables building.

Adjacent to the south side of the hardstanding is the open manege measuring 80m x 40m, the site of the proposed indoor riding arena building the subject of this application.

Adjacent to the south side of the current manege is land within the equestrian area which was originally granted and earmarked for a manege on which work was commenced but not completed.

An overhead telegraph wire runs on poles immediately in front of the barn over the stable yard hardstanding and across the site.

The surrounding area is undulating and rolling in form with generally small fields and large banks of trees and hedges and is part of the Brickendon Woods landscape character area which describes the area as predominantly wooded farmland and parkland with most land uses being well screened by dense woodlands and tall hedgerows, making views within the area generally short and that the farmland consists mainly of pastoral fields, often in equine occupation.

2. RELEVANT HISTORY

The relevant history of the 13 hectare equestrian area and stables building is set out in full below in chronological order, along with other consents relating to the dwelling.

EQUESTRIAN USE (land on east side of Hornbeam Lane)

1999: Planning permission granted by the LPA on land east of Hornbeam Lane for change of use of 13 hectare of land to equestrian use with associated manege, rides and landscaping (S6/1999/0372/FP).

2010: Planning permission granted on land east of Hornbeam Lane for change of use of land to equestrian use, with associated manege, rides and landscaping (S6/2009/2556/MA). This consent effectively renewed the earlier consent which had not been implemented.

2013: Planning permission granted on land east of Hornbeam Lane for change of use of land to equestrian use with associated manege, rides and landscaping. (S6/2012/2655/S73B). This consent renewed the earlier consents.

It should be noted that the manege approved by this consent occupies a position just to the south of the existing manege which was commenced but not yet completed.

The consent contained a condition linking the use to that of the dwelling by condition 9 in the consent as follows,

"The use hereby permitted and associated manege and rides shall only be in conjunction with the residential development and stable block approved under planning permission S6/2009/2574/FP and shall not at any time be used for commercial livery or riding school purposes."

2018: Outline application refused for the erection of a single storey building to form an indoor manege and riding facility. This was to be site on land to the south side of the current manege.

STABLES (land on east side of Hornbeam Lane)

2001: Appeal allowed and planning permission granted (S6/2000/1492/FP) for the construction of a 20 box stable building for equestrian use at Hornbeam Lane subject to a condition as follows,

'The stable building hereby permitted shall be occupied only in conjunction with the equestrian use permitted on the adjoining land and shall not at any time be used for any commercial livery or riding school'

2010: Planning permission granted for the retention and alteration of a 20 box stable building in connection with the equestrian use of land east of Hornbeam Lane (S6/2009/2574/FP).

2013 Planning permission granted for the retention and alteration of a 20 box stable building in connection with the equestrian use of land east of Hornbeam Lane (S6/2012/2656/S73B).

Condition 16, linked the stables with the dwelling, as follows,

“The stable building hereby permitted shall only be occupied in conjunction with the residential development hereby approved on the adjoin land and shall not at any time be used for commercial livery or riding school purposes.”

BARN (land on the east side of Hornbeam Lane)

1998: Planning permission granted for erection of a barn (375m²) for storage of hay, feed and machinery purposes in connection with the use of the land (S6/1998/129/AG). This was demolished to make way for the current manege.

2016: Planning permission granted for single-storey storage and hay barn adjacent to the stables.

HOUSE (land on the west side of Hornbeam Lane)

1990: Appeal allowed and planning permission granted for demolition of the existing house (known as Meadow Cottage, and known locally as Spike Island) and construction of a replacement dwelling on land west of Hornbeam Lane (S6/1989/652/OP)

1993: Planning permission granted for renewal of the above 1990 consent (S6/1993/350/OP).

1996: Planning permission granted for renewal of the above 1993 consent (S6//1996/189/OP)

1998: Planning permission for a revised siting of the dwelling (S6/1998/1132/FP)

2010: Planning permission for erection of new dwelling and garage to replace existing part built dwelling on the west side of Hornbeam Lane (S6/2009/2574/FP)

2013: Time extension of above 2010 replacement dwelling consent (S6/2012/2656/S73B) and also including the stables.

2013: Planning permission for adaption and completion of the part built dwelling to provide a single dwellinghouse and garage (S6/2013/0919/FP)

For the sake of completeness, and in order to understand fully the history and the applicant's involvement with the site, the following additional facts are put forward.

- ü In 1998, the site was purchased by Andrew Perryment (Rose Ltd) and this is when the development of a new replacement dwelling and the development of an equestrian area and stables essentially began.
- ü Mr Perryment ran a string of polo horses and in 1999 was granted planning permission by the LPA to develop a 13 hectare site on land on the east side of Hornbeam Lane for change of use to equestrian land and associated manege, rides and landscaping.

- ü Following several refusals by the LPA, planning permission was eventually granted at appeal following a Public Inquiry for a 20 horse stable block close to the entrance to the site off Hornbeam Lane.
- ü In developing the new dwelling, stables and equestrian areas Mr Perryment ran out of funds and the developments stalled, with the dwelling, barn and stables buildings started but not finished.
- ü There then followed a series of renewals and time extensions and design changes etc to each element which were all granted by the LPA. However, the various developments were not physically progressed much further for a number of years.
- ü Eventually, in late 2012, the estate was sold to the current applicant Mr & Mrs Nigel Brunt. At that time it comprised a derelict building site. Mr Brunt set about completing the dwelling, stables and equestrian areas and now lives in the dwelling with his wife and 5 children, all of whom are loving of horses and one of whom is an aspiring Olympic dressage competitor.
- ü The stables and equestrian areas are linked to the dwelling (through a planning condition of the consents) so that they are for personal use only (non-commercial).

3. THE APPLICATION

The application proposes the erection of a single storey equestrian building to create an all weather indoor manege and riding arena.

It is an outline application with the only matter reserved being landscaping

The building would measure 66.5m x 32m x 5m to eaves (8m to ridge).

Following the recent refusal of application ref: 6/2018/2149/OUTLINE for the same development but positioned on land adjacent to the south side of the existing manege, the location within the equestrian area is now to be built over the current outdoor manege.

It is positioned on a part of the approved equestrian area earmarked and allocated for 'development' as distinct from the open greener paddocks and grazing land of the equestrian area.

The building would provide an all weather riding arena at this equestrian complex.

A supporting letter is attached from Millie Brunt, the applicants daughter, explaining the circumstances surrounding the application and the need for this facility.

4. NATIONAL POLICY

National Planning Policy Framework (July 2018) (Protecting Green Belt land).

First published in 2012, the NPPF is the primary expression of Government planning policy and is a material consideration in planning decisions.

5. DEVELOPMENT PLAN POLICIES

Policy RA1 Development in the Green Belt

Council Policy RA1, 'Development in the Green Belt' states as follows,

"Within the Green Belt..... permission will only be given for development of the following purposes,

(1) Agriculture.....

(11) Small scale essential facilities for outdoor sport and outdoor recreation which preserve the openness of the green belt and which do not conflict with the purpose of including land within it.

Policy D2 Character and Context (Supplementary Design Guidance)

Supplementary Design Guidance (para 2.7) states that in the Green Belt,

"New development should be located adjacent to or in proximity to existing buildings to lessen the impact on the rural character of the area."

SDG Policy D2 Character and context states as follows,

"The council will require all new development to respect and relate to the character and context of the area in which it is proposed. Development proposals should as a minimum maintain and where possible should enhance or improve the character of the existing area."

Policy D1 (Quality of design) (paras 10.36 – 10.39)

Local plan Policy D1 (Quality of design) aims to ensure a high quality of design. This policy is expanded upon in the councils Supplementary Design Guidance (SDG) which requires the impact of a development to be assessed giving regard to the bulk, scale and design of the proposal. Furthermore, criterion (v) of policy RA21 refers to new buildings reflecting the local rural character in terms of design, massing and materials. In addition chapter 7 of the NPPF emphasises the importance of good design in context.

Policies D1,R19,RA21, and NPPF (paras 10.41-10.42)Neighbouring amenity.

"Policies D1 and R19 and the Supplementary Design Guidance aim to preserve neighbouring amenity. In addition, guidance in paragraph 17 of the NPPF is to always seek to secure high quality design and good standard of amenity for all existing and future occupiers of land and buildings.

6. ASSESSMENT

Green Belt

The application site is situated within the Metropolitan Green Belt.

There are 2 main issues to consider associated with established national Green Belt policies contained in the NPPF (13 Protecting Green Belt Land).

- Firstly, whether the building would be not inappropriate development in the Green Belt having regard to the NPPF and taking into account the effect on openness and the purpose of including land within the Green Belt.
- Secondly, If the proposal is inappropriate development whether the harm by reason of inappropriateness is clearly outweighed by other considerations which amount to very special circumstances,

Appropriate or inappropriate development

The NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, apart from certain exceptions.

Exception b) includes,

“The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation..... as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.”

The proposed building falls within this category being in connection with the existing use of land for outdoor sport and outdoor recreation (equestrian use).

The proposal would be on the site of the current outdoor manege and within the curtilage of land approved and well established for equestrian uses which includes a substantial stable for 20 horses and an open manege and associated riding facilities. Its purpose is clearly in connection with and linked to the adjacent stable and approved equestrian use which provides facilities for outdoor sport and recreation.

In the previous application the council accepted this view of the proposed facilities stating that the facility, “..is considered to fall under the category of outdoor sport and recreation.”

The NPPF makes it clear that the fundamental purpose of Green Belt policy is to prevent urban sprawl and the essential characteristics of Green Belts are their openness and permanence. The 5 purposes served by Green Belts are set out in the NPPF, paragraph 134. Of these the only relevant purpose on the list would be c) to assist in safeguarding the countryside from encroachment

However, the application site is well-established as an approved equestrian complex and already contains a large stable block and equestrian activities and the proposal would not encroach on more open countryside but be contained within the approved ‘developed’ equestrian area, rather than a more open greener field location, and specifically on land currently used as an open manege of larger dimensions.

The taller and much larger adjacent stable block on the equestrian area, was granted at appeal and a similar assessment made as to whether it was (a) inappropriate development in the green

belt and (b) the effect it would have on its surroundings. The appeal report concluded that the stable was appropriate development in the green belt as it was associated with the councils consent for equestrian use which is one of the categories (facilities for outdoor sport or outdoor recreation) allowed by Green Belt policy. On the second matter regarding the impact on openness, it was concluded as follows,

“The council do not raise any objection to the materials or design of the stable building or its position on the East Field and I see no reason to take a different view. It would be in a relatively isolated position in attractive countryside but its remoteness also means that it would hardly be visible from any dwellings or, except at long distance, from any well used road. Additionally the tall hedges and areas of woodland which proliferate in this area further restrict views of the site. The main views from public vantage points would be from Hornbeam Lane and, at a greater distance, from Cucumber Lane. However, a condition of the permission for equestrian use was the carrying out of a scheme of planting and landscaping and.....I am satisfied that a combination of new planting and existing trees and hedges would be sufficient to reduce the visual impact of the stable to negligible proportions”

Similar considerations apply in the case of the proposal.

In terms of positioning the proposed building lies adjacent to a mature belt of trees and hedgerows so that it is discreetly positioned. It would not give rise to any significant loss of openness.

It would not encroach onto the countryside or lead to urban sprawl. It is positioned on a part of the approved equestrian area earmarked and allocated for ‘development’ as distinct from the open greener paddocks and grazing land of the equestrian area.

As with the approved stable building appeal assessment above, although located in attractive countryside, the building would be on a substantial established equestrian area, and hardly be visible from any dwelling or well used road, except at long distance and then any view would be only partial, distant, oblique and intermittent. Similarly, the tall hedges and areas of woodland which proliferate in this area further restrict views of the site. The main views from public vantage points, as with the stable building, would only be from Hornbeam lane and, at a greater distance from Cucumber lane.

However, views from the latter would be distant and partial (and minimal due to the large trees and hedgerows along the road offering the only view from a field gate in the break between the trees), and then seen in association with an established equestrian area and thus not out of keeping. Views from the former would similarly be partial and intermittent only and as with the stable appeal assessment, a combination of existing, and new planting and landscaping would be sufficient to reduce the visual impact of the building to negligible proportions.

Similarly the case officers report on the recent refused application (6/2018/2149/OUTLINE)for a siting adjacent the south side of the current manege, refers to, “ The absence of obvious views of the building..” That, views from cucumber lane would be very limited given both the separation distance and presence of landscaping” and regarding the only other public views from Hornbeam lane, states that, “The bridleway is well enclosed on both sides by established trees which would

restrict views of the application building." It also states, that, "The proposed building would have a form and appearance of a rural building. Whilst very large in scale views of the building from the wider area would not be obvious and, as such, the building would not appear overly prominent in its setting."

When considering applications for development in the Green Belt, local planning authorities are advised to ensure that substantial weight is given to potential harm to the Green Belt.

The National Planning Policy Framework states that one of the essential characteristics of Green Belts is their openness. The issue which the courts have grappled with frequently is the relevance of the visual impact of development on an assessment of openness. The issues are illustrated by a couple of recent decisions.

In the case of Goodman Logistics Developments (UK) Ltd v Secretary of State for Communities and Local Government and another [2017] EWHC 947 the Planning Inspector, on appeal, had found that the development, simply by its physical impact, would have a significant adverse impact on the openness of the Green Belt. Having reached that conclusion, the Inspector said that an assessment of the visual impact of the development was not relevant to the assessment of the impact on openness.

The developer appealed, and the question for the court was whether the visual effect of development could be taken into account as reducing the harm that development would cause to the openness of the Green Belt. The judge decided that visual harm and/or perception was an "obviously material" consideration and that the perceived effect upon openness could be less than might be expected because, for example, the development would have a limited effect upon people's perception of openness from beyond the boundary of the site.

Whilst the decision may seem obvious; it leaves open the possibility that even though a site may be developed completely, provided the visibility from outside site is limited, it may be acceptable as having no or a limited impact on the openness of the Green Belt.

The previous appeal decision granting consent for the larger stable block took such thinking into account as quoted above.

The siting of the proposed building is also now 'clustered' with the stables and developed part of the equestrian area. This siting has also been recommended by Mr and Mrs Ingram who objected to the previous siting further south and who suggested in a letter to the council that there should be no reason if the applicants wish to ride under cover that they should cover over the existing outdoor manege. This would also mitigate any impact caused by the outdoor lighting at the same time.

The council in its officers report on previous application 6/2018/2149/OUTLINE nevertheless did confirm their view that, "The proposed building is well separated from the nearest residential property so as to ensure that the living conditions of its occupiers and all other residential occupiers in the area would be maintained."

The Essendon Parish Council, whilst referring to this as a very large building, have supported the proposal as steps have been taken to landscape and screen it and clad it in typical rural cladding.

The proposed building being constructed of Yorkshire boarding over a brick plinth wall would reflect the local rural character in terms of design scale and materials and harmonise with the existing stable building. The officers report on previous application 6/2018/2149/OUTLINE confirms that design, scale layout and appearance is acceptable when it states,

“The proposed building would have a form and appearance indicative of a rural building. Whilst very large in scale, views of the building from the wider area would not be obvious and as such the building would not appear overly prominent in its setting. It is therefore considered that the proposal is acceptable in this respect.”

The landscape Character assessment of the West End to Brickendon Wooded Slopes describes the areas character as, amongst other things,

steeply undulating wooded slopes

tall dense hedges

densely wooded and treed with tall treed boundaries

strongly undulating landform

small fields

most land uses are well screened from view

woodland cover is extensive

it is not possible to discern details within the area

Views are short and limited by vegetation

There is little evidence that the area is valued for its distinctiveness

Development proposals that would result in permanent change to the historic landscape of the area will not be permitted

The final section entitled ‘Strategy and Guidelines for managing change’ recommends as follows in relation to equine uses and sites,

“Ensure, via SPG if necessary, that developments in equine recreation respect the character of the area, especially in the detail of boundary treatments and buildings”

Such a building is not untypical within this rural area where many equine activities predominate. It would also be located in proximity to an existing stables building as recommended by council policies so as to lessen any impact on the rural character of the area, which states,

“New development should be located adjacent to or in proximity to existing buildings to lessen the impact on the rural character of the area.”

On previously refused application 6/2018/2149/OUTLINE, your officers report described the siting chosen as follows,

“The proposed development would extend built form into open land and adjacent to a collection of fields spanning north to west of the site. The application site is grassland which contrasts markedly to the central core of the equestrian complex. The site appears as open countryside given its distinguishable appearance from the developed part of the site and proximity to open fields.”

The proposal has now been repositioned onto the central core of the equestrian complex over the existing open manege.

My conclusion is that the proposal meets the ‘appropriate development’ test of the NPPF on all counts, in that,

- ü This building provides appropriate facilities for outdoor sport and outdoor recreation associated with an outdoor sport and recreation activity on an established equestrian site of significant scale.
- ü The building is not isolated but on an existing equestrian site. Its siting on the site of an outdoor manege is well screened by existing mature trees and hedging from Hornbeam Lane and further landscaping would mitigate its impact on openness, as was similarly accepted on the approved stable building which was arguably in a more isolated location.
- ü Any public views of the building would generally be partial, oblique intermittent and often distant.
- ü Of the 5 purposes of including land within the Green Belt, the only relevant one relates to any encroachment of the countryside. The building does not encroach onto the countryside, but is located in a discreet position within an approved established equestrian area.
- ü The proposal would obviate the need for the outdoor lighting to the existing manege.
- ü The new building would reflect the local rural character in terms of design, massing and materials.

Very special circumstances.

Should it not be accepted that the development is appropriate and compliant with national policy in that regard, I would rely on very special circumstances.

The NPPF states (para 143) that, ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

A letter has been submitted in support of the proposal by Millie Brunt, the eldest daughter of the applicants to explain the need for an all weather equestrian manege and riding area.

This facility cannot be provided on another site and is intrinsically related to this equestrian complex where Millie trains.

She has several horses in the large stables which are regarded as Olympic prospects as she herself, is similarly regarded to represent her country.

She has explained the need for an indoor manege where she can train in all weathers and in the dark winter months, and the inability to do this on an outdoor manege which is severely limited by the winter weather which affects the safety of the horses.

In terms of any harm to the Green Belt, any harm to the Green Belt is considered to be minimal for the following reasons, which reflect generally the previous appeal decision in relation to the stables building which concluded that additional supplementary landscaping would further reduce the impact of the building to negligible proportions.

Its siting on a site approved for an outdoor manege is well screened by existing mature trees and hedging from Hornbeam Lane and further landscaping would mitigate its impact on openness.

Any public views of the building would be generally partial, oblique intermittent and often distant.

Of the 5 purposes of including land within the Green Belt, the only relevant one relates to any encroachment of the countryside. The building does not encroach onto the countryside, but is located on the site of the current manege with its outdoor lighting and in a discreet position within an approved established equestrian area close to an existing stables and dwelling. The level of any incursion or encroachment onto countryside is negligible and this could be mitigated more so with supplementary planting.

The new building would reflect the local rural character in terms of design, massing and materials.

Taking account of both short and long distance views the proposed building is discreetly located against existing landscaping rather than being isolated, and thus preserves openness.

The NPPF states that once defined, Green Belts should retain and enhance landscapes and visual amenity. The proposed new building would in this respect also obviate the need for the current outdoor lighting on the existing outdoor manege.

This is not a greenfield site but part of a developed equestrian area and overall, on balance given the existence of the current outdoor manege with its lighting and impact on openness and character and appearance, the newly designed rural building in a clustered position by the existing stables with supplementary landscaping would not cause any material additional harm to the character and appearance of the area.

7. CONCLUSION

National Green Belt policy contained in the NPPF is a material consideration as are other planning consents affecting this site including the original stables consent granted at appeal which raised similar Green Belt issues in granting consent for that building.

This application puts forward the case that the building proposed is not inappropriate development in the Green Belt, in principle, being associated with a use of land for outdoor sport and outdoor recreation, an excepted category.

Moreover, that being developed on the site of an existing outdoor manege with lighting and surrounding fencing, the proposal has no further material impact on openness or encroachment of the countryside, one of the main purposes of including land within a Green Belt, which are associated conditions to comply with in order for the building to be regarded legitimately as 'appropriate' in accordance with Green Belt policy. That as with the stable building appeal the visual impact is acceptable and additional landscaping would satisfactorily mitigate any local impact.

Accordingly, it should not be necessary to move on to consider whether 'very special circumstances' exist in accordance with Green Belt policy, but should that be necessary it is considered that any potential harm to the Green Belt is minimal and outweighed by the lack of any harm to openness or the areas character and the lack of any encroachment of the countryside or the areas character or appearance and the need for these facilities.

Following the refusal of previous application 6/2018/2149/OUTLINE to site the proposed building further south adjacent to the current open manege, the neighbours suggestion that it be repositioned to cover the outdoor manege would seem appropriate and less controversial.

The local parish Council have also given support to the application.