

Vackp.

Oakley House
Woodgate Avenue
Northaw
Hertfordshire
EN6 4EW

101 PJ
SCA

21 JUL 2009
18 July 2009

Dear Mr Jefcoate

Re: Planning Application: S6/2009/0616/FP

Thank you for your letter of 14 July and for your visit to our home so late in the evening.

We were aware that the above matter was an enforcement issue, reference ENF/2008/534, for breach for lighting condition and we were informed that retrospective planning permission would be invited, but that was back in January 2009. It is unfortunate that the letter sent from your office on 25 June 2009, which invited representations, was not received and the first we knew of the application was your call to request a site visit earlier this month.

In the light of having now had an opportunity to review the relevant documents, we would like to make the following observations:

1. In the application form requesting retrospective planning, the client indicates that he did not consult his nearest neighbours, i.e. the residents of Woodgate Avenue and Oakwell Drive; some homes of which are 600 or so metres distant. The position of Northaw Brook Meadow however, is sufficiently distant from both the client and the local residents for their lighting not to have an impact.

The Design and Access Statement

2. 2.1.2 refers to the residential development as being 'recent.' Oakwell Drive and Woodgate Avenue pre-date both the construction of the stable block, menage and the respective planning.
3. References are made in 2.14 and 4.2 to screen planting but it is clear from both the submitted plan of land ownership and ariel photographs that it is only the stable block that benefits from the mature hedgerow. There is clear, open land between the menage and some residential dwellings which allows direct line of sight during the winter months and all 6 lights are noticable. References to the absence of extensive planting by the developers of Woodgate Avenue as a means of mitigating the impact of the lights is spurious as these dwellings pre-date the client's 2000 planning for the stable block. (2 above)
4. 2.2.1 admits that lighting was originally prohibited 'to protect the visual amenity of the area.' We are not aware of any changes to these circumstances in the intervening years.

5. 2.2.2 express 'surprise' that there was a prohibition on illumination. Coopers Field Stables is not an insubstantial concern and it has required considerable investment. We are surprised that the applicant has failed to adhere to an uncomplicated, single-page document which briefly stated the conditions to be met.
6. 2.2.3 relates to another planning permission and tries to assume that similar conditions apply. We believe it is a material consideration that permission was granted in that application in 2002 but refused to this client in 2003. This implies a differential set of circumstances.
7. In 2.3.3, it is stated that permission can only be granted in satisfaction of Policy RA1 and R20. RA1 makes reference that permission would only be granted for 'essential facilities' for small scale outdoor sport or outdoor recreational pursuits. It is noted that the submission is silent on how the application satisfies RA1. We submit that this application to exercise a stallion for breeding purposes is neither an outdoor sport, an outdoor recreational pursuit and therefore that a 40m x 20m illuminated menage is not an essential facility. Satisfaction of R20 is dealt with at (11).
8. 3.1 describes the need for lighting. We note that the this application appears to be directly linked to the applicant's daughter's job in London and her daily schedule. In our experience, the menage is illuminated from dusk until late, i.e. 4.30/5.00pm until 10.00/10.30pm.
9. 3.1 also indicates that the menage is for the exercise of a stud animal, which seems to suggest more than an element of commercial activity associated with this installation. We note that this too was prohibited on the original grant of permission.
- 10.4.1.1 makes reference to use of halogen lights. This is the bright, intense, white light that we have experienced for the last few years. However, the recent letter from Phosco, dated 8 May 2009 makes reference to 'high pressure sodium' lights. These were the orange coloured lights seen by representatives of the Development Control Team from Welwyn Hatfield Borough Council (WHBC) in July 2009.
11. 6.2 describes how it is intended to meet the criteria of Policy R20, which is stated in 2.3.4. All criteria is to be satisfied.

With regard to (i), illumination under this Policy will only be granted for security AND operational purposes. The client makes no representations for security.

In (iii) we maintain that the amenity of the residential area of Oakwell Drive and Woodgate Avenue is adversely affected. The brightness of the illumination in winter is such that the representatives from WHBC became aware during their visit that we believed (incorrectly) that a second menage must have been constructed closer to our home . The manege does not benefit from screen planting. The client also freely admits that the nuisance occurs for 6 months of the year from October to March; not an inconsiderable time.

Further in (iii), the length of time in breach is inaccurate as the original complaint was made nearly a year ago (November 2008). However, is continuation of a breach reasonable grounds to sweep away the restriction?

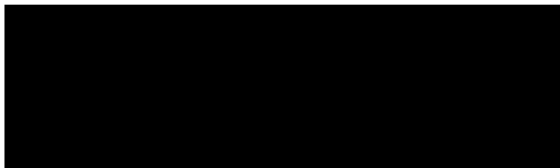
In (v), It is not sufficient to say that the client was 'not aware' of an adverse impact. The complaint made last year is evidence of adverse impact.

In (vi) we would be interested to learn what assessment was performed by the client to measure the effect on ecology, the natural environment and wildlife. It is not sufficient to claim that there is none that they are aware of.

In summary, we strongly oppose the granting of permission to illuminate the valley. If it was deemed inappropriate in 2003 to protect the visual amenity of the area, then we are not aware of what has changed today. As residents of 'the area,' the regular illumination for 6 months a year has a detrimental impact on the beauty of the countryside and possibly indeed, the wildlife, which we are all keen to protect. We do not believe that this installation complies with the provisions in both Policies RA1 and R20, as set out above and further, we suggest that this application is a cynical attempt at securing a commercial future.

With thanks

Yours sincerely

A large black rectangular redaction box covering the signature area.

Joe and Gill Moody