

PLANNING COMMITTEE – 14 November 2019

PART I - DELEGATED

6. **19/1453/FUL - Redevelopment of existing facilities involving the demolition of existing stables, office and barn and erection of new 'American' barn, grooming/stable block, stabling and storage barn, office and facilities building and associated works to provide modern standard Equine facilities at FORMER HIGH HERTS RIDING SCHOOL, BEDMOND ROAD, PIMLICO, HP3 8SJ**
(DCES)

Parish: Abbots Langley Parish Council
Expiry of Statutory Period: 27.09.2019

Ward: Abbots Langley & Bedmond
Case Officer: Scott Volker

Recommendation: That if the Planning Committee accept the Officer's recommendation, the application be referred to the Secretary of State, and subject to no new material considerations being raised and the Secretary of State raising no objections, PLANNING PERMISSION BE GRANTED. If the Secretary of State raises objections, Planning Permission be refused in light of their findings.

Reason for consideration by the Committee: The Planning Application would not accord with the Development Plan and is therefore required to be determined by Committee.

1 Relevant Planning History

- 1.1 Previous history relates specifically to the equestrian buildings. The most recent history involves:
- 1.2 05/1441/FUL - Creation of vehicular access – Approved December 2005 and implemented.
- 1.3 06/1922/RSP - Retrospective: Raise level of car park resurfacing and retention of bund to Bedmond Road boundary – Approved December 2006 and implemented.
- 1.4 09/0994/FUL - Removal of existing access track and replacement with seeded top soil for horse grazing; deposition of excavated material in existing 'dell' areas – Approved October 2009 and implemented.
- 1.5 09/1529/FUL - Retrospective: Change of use of land to car wash – Refused November 2009 for the following reason:

R1 The change of use constitutes an inappropriate form of development detrimental to the rural character and appearance and fails to preserve the openness of the Metropolitan Green Belt. The material change of use to the land conflicts with the purposes of including land within the Metropolitan Green Belt and no very special circumstances are considered to exist. The change of use is therefore contrary to Policies GEN1, E1, GB1 and Appendix 1 of the Three Rivers District Council Local Plan 1996 - 2011.

This decision was appealed by the applicant and subsequently dismissed by the Planning Inspectorate in November 2010.

- 1.6 11/2135/RSP - Retrospective: Change of use of part of car park for temporary storage of motor vehicles – Refused December 2011 for the following reasons:

R1 The change of use constitutes an inappropriate form of development detrimental to the openness and rural character of the Metropolitan Green Belt. The material change of use to the land conflicts with the purposes of including land within the Metropolitan Green Belt and no very special circumstances are considered to exist. The change of use is

therefore contrary to Policies CP6 and CP11 of the Core Strategy (adopted October 2011) and Saved Policy GB1 of the Three Rivers District Council Local Plan 1996 - 2011.

This decision was appealed by the applicant and subsequently dismissed by the Planning Inspectorate in September 2012.

- 1.7 15/1997/FUL - Erection of horse walking enclosure – Permitted November 2011.
- 1.8 16/1351/FUL - Formation of an outdoor ménage on existing paddock including minor associated land regrading works, formation of new track, erection of timber post and rail fence with gate and alterations to existing fence enclosure – Permitted August 2016 and implemented.
- 1.9 17/0716/FUL - Demolition of existing 'L' shaped stable block and erection of an 'American' style barn containing 24 stables with associated facilities positioned on the northern boundary and connecting into the existing horse-walker on its west wing facing side together with associated reconfiguration of the existing car park – Refused June 2017 for the following reason:

R1 The proposed 'American' style barn by virtue of its size and scale would be inappropriate development in the Green Belt, which, by definition, is harmful. There would also be harm to the openness and purposes of the Green Belt by reason of the scale of the proposed barn and spread of the development on the site. No very special circumstances have been provided which outweigh the inappropriateness and other identified harm. As such, the development is contrary to Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011), Policy DM2 of the Development Management Policies LDD (adopted July 2013) and the NPPF.

An appeal was subsequently lodged and dismissed by the Planning Inspector in December 2017 referenced APP/P1940/W/17/3180524.

- 1.10 17/2216/FUL - Retrospective: Temporary consent (2 years) for mobile home for use as a rural workers dwelling in connection with High Herts Equestrian Centre – Refused December 2017; for the following reason:

R1 The proposed development would result in an inappropriate form of development which, by definition, would be harmful to the Green Belt and would also result in actual harm to the openness of the Green Belt. No very special circumstances have been provided which outweigh the inappropriateness and other identified harm. As such, the development is contrary to Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011), Policy DM2 of the Development Management Policies LDD (adopted July 2013) and the NPPF.

- 1.11 18/0718/FUL - Erection of an 'American' style grooming and storage barn positioned on the northern boundary and connecting into the existing horse-walker on its west wing facing side- Refused May 2018 for the following reasons:

R1 The proposed 'American' style barn by virtue of its siting, size and scale would be inappropriate development in the Green Belt, which, by definition, is harmful. There would also be harm to the openness and purposes of the Green Belt by reason of the scale of the proposed barn and spread of the development on the site. No very special circumstances have been provided which outweigh the inappropriateness and other identified harm. As such, the development is contrary to Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011), Policy DM2 of the Development Management Policies LDD (adopted July 2013) and the NPPF.

2 Description of Application Site

- 2.1 The site is located to the west side of Bedmond Road with land to the rear of the application site consisting of open farm land. Excluding the line of residential dwellings to the east, this section of Bedmond Road is predominantly characterised by farms, fields, small holdings and farm buildings.
- 2.2 The site covers approximately 17 acres which is designated as Metropolitan Green Belt land. The site originally comprised a farmhouse and farm yet was subdivided some time ago into a livery/riding school (comprising the older farm buildings) and a residential dwelling set within its own domestic curtilage with agricultural land under ownership of the inhabitants of the residential dwelling. Both sites shared one access from Bedmond Road. In 2005, the two sites were formally divided by a close boarded fence and a new access created (App: 05/1441/FUL) to serve the application site. To the north and east of the site is an open post and rail fence aligned by vegetation cover. A public footpath runs through the site.
- 2.3 The wider site contains a collection of buildings and associated development in use for equestrian purposes. Closest to the road is an area of soft landscaping and a car parking area. Approximately 50 metres back from Bedmond Road is Building 1, a grooming barn; Building 2 is located to the south east and is a small barn used for storage purposes, Building 3 is an 'L' shaped building which contained some stables also with a kitchen/office area; Building 4 is to the north which is a stable building and an office and Building 5 which is to the east is a large 'L' shaped stable building which wraps around Buildings 3 and 4. To the front of this stable building is a static caravan used for staff accommodation. Retrospective planning permission was sought for its retention but was refused referenced 18/0718/FUL.
- 2.4 Together these buildings cover an area of approximately 45 metres by 25 metres with hardstanding between. They are predominantly single storey, although Building 4 includes first floor accommodation.
- 2.5 To the north of these buildings there is an existing ménage and two shipping containers used for storage located along the northern boundary with a larger indoor ménage to the west which has recently been refurbished. Beyond this larger ménage is a parcel of land which leads down to an open field with an area of approximately 14 hectares. An access runs from the front of the site generally along the northern site boundary to a field where a new ménage has been constructed following grant of planning permission 16/1351/FUL.
- 2.6 There are a number of Oak trees close to the site entrance which are protected by the Three Rivers (High Herts Farm, Bedmond Road, Pimlico No.2) Tree Preservation Order 2006.

3 Description of Proposed Development

- 3.1 This planning application proposes the redevelopment of the existing riding school including the construction of a grooming barn, American barn, stables and office/day facilities to replace existing buildings. The works proposed are as follows:
- 3.2 **Building 1 – Stabling and Storage Barn**
This building would be located to the south-east of the site. It would have a depth of 32.7 metres; maximum width of 7.8 metres and would have a pitched roof form measuring 4.2m sloping down to an eaves height of 2.7m. Rooflights are proposed within the south-east roof slope. This building would provide six stables and a storage barn.
- 3.3 **Building 2 – American Barn**

This building would be located centrally within the riding school complex. It would have a depth of 28 metres; width of 12 metres and would have a pitched roof form including a Clerestory rooflight measuring a maximum height of 6.2 metres, sloping down to an eaves height of 3.5 metres. Glazing is proposed to both flank elevations and entrance doors are proposed within the front and rear elevations. This barn would contain fourteen stables with a central walkway.

3.4 Building 3 – Grooming/Stable Block

This building would be located on the northern side of the site and would be linked to the existing horse walker on site. This building would have a depth of 28 metres although it is proposed to have a roof overhang of 3.5 metres to provide covered access to the horse walker; width of 12 metres and would have a pitched roof form including a Clerestory rooflight measuring a maximum height of 6.2 metres, sloping down to an eaves height of 3.5 metres. Glazing is proposed to both flank elevations and entrance doors are proposed within the front and rear elevations and an additional door within the south east elevation. This building would contain nine stables, tack room, wash down/grooming bays and a central walkway.

3.5 Building 4 – Office/Facilities Building

This building would be located south west of Building 2 and would have a depth of 11 metres; width of 15 metres and would have a pitched roof form measuring 4.6 metres in height; sloping down to an eaves height of 2.4 metres. Rooflights are proposed within the north-west roofslope. Glazing is proposed to all elevations of the building and the main entrance would be located centrally within the south east elevation and include a canopy porch. An additional side access is proposed within the north-east elevation. The building would contain an office, rest area, kitchen, toilets and shower room.

3.6 To compare footprints, the proposed footprint of the replacement buildings would equate to 1,007.94sq. metres compared to 1125sq. metres of the existing buildings to be demolished.

4 Consultation

4.1 Statutory Consultation

4.1.1 Abbots Langley Parish Council – The members have no overall objections to the scale of this scheme and support local businesses.

4.1.2 National Grid – No response.

4.1.3 Herts & Middlesex Wildlife Trust – No response.

4.1.4 Herts Ecology – No response.

4.1.5 Herts Footpath Section – No response.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 5

4.2.2 No of responses received: 0 objections, 1 letters of support

4.2.3 Site Notice: Posted 10.07.2019 Expired 31.07.2019
Press Notice: Published: 06.09.2019 Expired 27.09.2019

4.2.4 Summary of Responses:

- All previous works have been of high standard
- Opportunity to provide high class equestrian facilities to local equestrian community
- Existing stables/facilities no longer fit for purpose

- Disappointing if facility lost if had to relocate

5 Reason for Delay

5.1 Committee cycle

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In 2019 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF states that ‘good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would ‘significantly and demonstrably’ outweigh the benefits.

6.2 The Three Rivers Local Development Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP4, CP1, CP2, CP4, CP6, CP8, CP9, CP10, CP11 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM2, DM4, DM6, DM7, DM9, DM12, DM13 and Appendix 5.

6.3 Other

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

7 Planning Analysis

7.1 Green Belt

- 7.1.1 The National Planning Policy Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. The National Planning Policy Framework sets out that Green Belt serves five purposes:
- To check the unrestricted sprawl of large built-up areas;
 - To prevent neighbouring towns merging into one another;
 - To assist in safeguarding the countryside from encroachment;
 - To preserve the setting and special character of historic towns; and
 - To assist in urban regeneration by encouraging the recycling of derelict and other urban land.
- 7.1.2 Paragraph 143 of the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 7.1.3 The construction of new buildings in the Green Belt is considered inappropriate however Paragraph 145 sets out six exceptions to inappropriate development which include:
- a) buildings for agriculture and forestry;
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;**
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - e) limited infilling in villages;
 - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
 - g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 7.1.4 Core Strategy Policy CP11 sets out that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purposes of including land within it.
- 7.1.5 The proposed development would result in the construction of grooming barn (Building 3), American barn (Building 2), stable building (Building 1) and facilities/staff day-time accommodation building (Building 4). The proposed development would result in a total footprint of 1007.94sq. metres which is a reduction of 117.06sq. metres in comparison to the combining footprint of the existing buildings to be replaced. The submitted planning statement details that the existing buildings are sub-standard in construction and are not fit for purpose in providing a modern level of service and care for competition horses. The proposed development is considered to provide facilities for outdoor sport and recreation and may therefore comprise an exception to inappropriate development, where the proposals preserve the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt.
- 7.1.6 Buildings 1, 2 and 4 would be sited generally in the same location as the existing cluster of buildings within the site. Whilst there would be views of these buildings from Bedmond Road and other vantage points to the east, these buildings would not be readily visible from the west given that the buildings would be screened from view by the existing large 'American

style' covered ménage. When considering the size of the buildings (1, 2 and 4) they are all considered appropriate in terms of their scale to meet modern standards of equestrian use. Their appearance and roof forms also ensure that they would appear in keeping with the rural context. As such the Buildings 1, 2 and 4 are not considered to have a significant detrimental impact to the openness of the Green Belt or conflict with the purposes of including land within it and would therefore be considered an exception to inappropriate development.

7.1.7 Building 3 would be located on a part of the site which, apart from the horse walker, is currently open and free from buildings. In dismissing the appeal APP/P1940/W/17/3180524 relating to application 17/0716/FUL which proposed the construction of an 'American-style barn' containing 24 stables in this location, the Planning Inspector commented that *'...a barn of the size proposed would have an appreciable effect on openness. Consequently, whilst I have had regard to the purpose of the proposed building, the exception for appropriate facilities for outdoor sport and recreation or the other exceptions set out in Paragraph 89 of the Framework, do not apply. Accordingly the proposed building would be inappropriate development in the Green Belt.'*

7.1.8 Whilst it is noted that Building 3 is significantly reduced in size in comparison to the 'American-style barn' proposed under 17/0716/FUL its location within the site would be similar. Therefore the development would result in the spread of the equestrian unit and built form into the Metropolitan Green Belt, that would adversely affect the openness of the Green Belt and conflict with the purposes of including land within the Green Belt.

7.1.9 Paragraph 144 advises that when considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal clearly outweighed by other considerations.

7.1.10 Policy CP6 of the Core Strategy (adopted October 2011) seeks to support economic development in rural areas, this is subject to the development contributing to sustainable development objectives; being consistent in scale with the rural location and no harmful effect on the environment or local community.

7.1.11 In determining the above aforementioned appeal the Planning Inspector considered the economic benefits of the development and commented that:

'7. The appellant advises that the building is required to support the established equestrian enterprise and would have economic benefits. I have had regard to the comments that upgrading of facilities has taken place including the installation of a horse walker, converting of a barn to an indoor arena and forming of an outdoor manege. There is no dispute that the condition of the existing stables does not meet the needs of a modern equestrian facility catering for competition horses and I have taken into account that the appeal proposal would help to meet an increased demand for facilities in the area.'

8. Whilst the proposal would have some economic benefits, the information outlined by the appellant in relation to these matters is brief. Although I have taken into account Core Strategy Policy CP6 which is concerned with employment and economic development and paragraphs 19 and 28 of the Framework which are concerned with sustainable economic growth and supporting a prosperous rural economy, in the absence of robust and detailed evidence that this development is so critical to the livelihood, economic future and growth of the business, such benefits carry only limited weight.'

7.1.12 The applicant has put forward the economic benefits to the business and the wider community along with the business providing a specialist service for amateur competition riders as 'very special circumstances' in support of the application. The application is

supported by a Design and Access Statement in addition to detailed accounts, financial statements and the business plan for Equitopia Ltd.

- 7.1.13 Equitopia Ltd has occupied the site for four years and undertaken works to change the site from a Riding School to a Competition Full Livery business. Since taking on the site, the business has made a loss and the applicant has submitted financial accounts for a period of 12 months ending 30th June 2018 where the business made a loss of £121,000. The submitted financial statement details the costs that the current business incurs. Given the current sub-standard conditions and constraint on the number of stables, the business is limited from achieving additional income from the livery business. The original number of stables on the site was 33 however due to the need to combine smaller pony stables into larger boxes for larger competition horses and to provide storage areas the number of stables on site has reduced to 24.
- 7.1.14 As previously detailed the business made a loss of over £121,000 in the 12 months finishing 30th June 2018. The costs related to keeping the business open and to provide the promised level of care for the livery horses is about £350,000 per year which equates to £29,000p/month. The financial data for the business and business plan shows that currently the income generated from the 24 stables at £900p/month per stable is £21,600 and the costs relating to these horses are £29,000, resulting in a loss of £7,400 per month is made.
- 7.1.15 The submitted Design and Access Statement contends that the only way forward for the equestrian business to be sustainable is to increase the number of stables. It is proposed to increase the number of stables to 29 and combined with improved facilities can generate £1,000p/month totalling a revenue of £29,000 and therefore break even and would keep the business viable and secure its future. Without the redevelopment of the site to provide such modernised facilities the business would not be sustainable and would be forced to close. The closure of the business would result in the loss of seven jobs and the supporting information details that the loss of the equestrian facility would also have an impact on the rural employment of agriculture, local shops and services and local farming suppliers who provide the business with hay and other feed stuffs would be impacted if the business was forced to close.
- 7.1.16 Building 3 would provide nine of the twenty-nine stables on the site and would be key to the sustainability in of the business given that without these additional building only 20 stables would be provided which would fall significantly short of the required number to allow the business to break even and avoid making a loss.
- 7.1.17 The introduction of Building 3 would constitute inappropriate development within the Green Belt and would lead to a reduction in the openness of the Green Belt and the recent appeal decision for application 17/0716/FUL is a material planning consideration should be given significant weight. Notwithstanding this, the proposed development would result in a reduction in the overall footprint of the built form in comparison to the existing buildings to be demolished by 117sq. metres. In addition, the applicant has provided evidence detailing that Building 3 would provide a key facility to the functioning and viability of the equestrian business which itself would make a modest contribution to the local community and safeguard existing jobs. The proposed development would support the longer term viability of the business in a rural location which would accord with Policy CP6 of the Core Strategy which seeks to support economic development in rural areas and therefore is considered to be an important material consideration. The redevelopment would also provide a continued facility for local customers. As such, in this case it is considered that the 'very special circumstances' put forward by the applicant are considered to outweigh the presumption against inappropriate development in the Green Belt.
- 7.1.18 It is considered appropriate to safeguard the impact of the proposed new stable building on the visual amenity of the area and the Green Belt by attaching a condition preventing the installation of any external lighting without prior written consent from the Local Planning Authority. In addition a further condition would be attached requiring the removal of the

existing shipping containers adjacent to the northern boundary and the existing static caravan located to the front of the 'L' shaped stable block prior to above ground works.

7.2 Design and Impact on Street Scene

7.2.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP12 relates to design and states that in seeking a high standard of design, the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'.

7.2.2 The proposed development would introduce additional built form within the site. Although Buildings 1, 2 and 3 would be larger in scale and in the case of the Building 3 located in an area free of built form they would not result in built form encroaching closer to the highway. The buildings would remain set back approximately 50 metres at their closest point. It is therefore not considered that the proposed buildings (1, 2 and 3) would become a prominent feature or have a detrimental impact on the character and appearance of the street scene. Furthermore, the buildings would be of a design that would be in keeping with the equestrian facility and the built form currently in situ on site. With regards to Building 4 this building would be located behind the Buildings 1-3 and would therefore be screened from public vantage points. As a result it would not result in harm to the character and appearance of the street scene or wider area.

7.2.3 No details have been provided with regards to the external materials used in the construction of the buildings. As such, a condition would be attached to any planning permission requiring the submission of details and/or samples of the external materials to be approved by the Local Planning Authority.

7.3 Impact on Neighbours

7.3.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Given the separation of the pre-application site from neighbouring residential occupiers, the proposals are unlikely to give rise to adverse impacts on neighbouring dwellings through appearing overbearing or causing loss of light or overlooking.

7.4 Parking Provision/Access

7.4.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Development proposals should make provision for parking in accordance with the parking standards and the zone based reductions set out in Appendix 5 of the Development Management Policies LDD (adopted July 2013) until such time as set standards are revised. When considering the relatively isolated location of the application site it does not fall within any of the designated parking zones.

7.4.2 The proposal would not result in any significant loss of parking provision within the site. Whilst the Parking Standards as set out at Appendix 5 do not provide specific parking standards for a Livery Yard it is considered that the closest applicable Use Class would be D2 Assembly Leisure Outdoor Sports Grounds without football pitches. The requirement for this use is 50 spaces per hectare. In this case, the application site measures approximately 0.5 hectares. The submitted plans do not detail the parking layout, but it is considered that the existing parking area within the site is of a sufficient size to serve the use. The parking is not formally marked out on site but from a site visit it is clear that there would be sufficient space for at least 25 vehicles and ample turning space for vehicles with trailers/large horse boxes to enter and exit the site safely in first gear. The existing access from Bedmond Road would remain unchanged. As such, it is considered that the proposed development would

be acceptable in accordance with Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD.

7.5 Wildlife Considerations

7.5.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

7.5.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist and statement were submitted with the application. The site is not in or located adjacent to a designated wildlife site. The Local Planning Authority is not aware of any records of protected species within the immediate area that would necessitate further surveying work being undertaken.

7.6 Amenity Space Provision for future occupants

7.6.1 Policy DM6 of the Development Management Policies document sets out requirements in relation to trees, woodlands and landscaping and sets out that:

- i. Proposals for new development should be submitted with landscaping proposals which seek to retain trees and other important landscape and nature conservation features. Landscaping proposals should also include new trees and other planting to enhance the landscape of the site and its surroundings as appropriate.
- ii. Development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible, particularly those of local amenity or nature conservation value or hedgerows considered to meet the Hedgerow Regulations 1997.
- iii. Development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant standards
- iv. Development should be designed in such a way as to allow trees and hedgerows to grow to maturity without causing undue problems of visibility, shading or damage. Development likely to result in future requests for significant topping, lopping or felling will be refused.
- v. Planning permission will be refused for any development resulting in the loss of deterioration to protected woodland (including ancient woodland), protected trees (including aged or veteran trees) and hedgerows.

7.6.2 There are Oak trees close to the site entrance which are protected by the Three Rivers (High Herts Farm, Bedmond Road, Pimlico No.2) Tree Preservation Order 2006 however the proposed development would be located a minimum of 30 metres from these protected trees and would not result in the loss of any them.

7.7 Use of Building 4

7.7.1 Building 4 is proposed to provide office and facilities for staff working at the Livery Yard. This submitted floor plans indicate that the building would contain an office, rest area, kitchen, shower/WC and storage area. Whilst it is acknowledged that there may be requirements for such facilities it would have all the necessary facilities to be used as an independent residential unit which would not be considered acceptable. As such, it is

considered appropriate, necessary and reasonable to condition any permission granted to ensure that this building remains ancillary to business and is not used as an independent dwelling.

8 Recommendation

8.1 That PERMISSION BE GRANTED subject to the following conditions:

C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: 19/2054-1, 19/2054-3, 19/2054-10, 19/2054-20, 19/2054-30, 19/2054-40, 19/2054-51, 19/2054-52, 19/2054-53 and 19/2054-54.

Reason: For the avoidance of doubt, to maintain the openness of the Metropolitan Green Belt and in the proper interests of planning in accordance with Policies CP1, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2, DM6 and DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C3 Prior to any above ground works hereby permitted the existing shipping containers and the static caravan shall be permanently removed from the site.

Reason: To ensure that the site is cleared in the interests of the visual amenities of the Green Belt, in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2 of the Development Management Policies LDD (adopted July 2013).

C4 Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

Reason: To ensure that the external appearance of the building is satisfactory in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C5 The proposed office and facilities building as shown on drawing number 19/2054/40 shall not be occupied at any time other than for purposes ancillary to the commercial use of the site as a livery yard and shall not be used as an independent dwelling at any time.

Reason: The creation of a separate and independent unit would not comply with the Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C6 No external lighting shall be installed on the application site or affixed to any buildings on the site unless the Local Planning Authority has first approved in writing details of the position, height, design and intensity. The lighting shall be installed in accordance with the approved details before the use commences.

Reason: In the interests of visual amenity, the openness of the Metropolitan Green Belt and biodiversity and to meet the requirements of Policies CP1, CP9, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2, DM6 and DM9 of the Development Management Policies LDD (adopted July 2013).

8.2 **Informatives:**

- 11 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. It is a requirement under Regulation 67 (1), Regulation 42B(6) (in the case of residential annexes or extensions), and Regulation 54B(6) (for self-build housing) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- 12 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.
- 13 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800

Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.