

UTT/13/1538/FUL (HATFIELD BROAD OAK)

Referred to Committee by Cllr Artus. Reason: I have received representations about this application which would warrant it being heard by committee.
Reasons include additional information that needs to be placed before committee and the impact of the commercial activities on the countryside and amenity of the local.

PROPOSAL: **Application to remove condition C.6.9 on UTT/0766/09/FUL - The stables hereby permitted shall not be used for the purposes of a riding establishment within the meaning of the Riding Establishments Act 1964 or for any type of livery use.**

LOCATION: **Land adj Forest Cottage, Wood Row, Hatfield Broad Oak**

APPLICANT: **J S Garton & Son Ltd**

AGENT: **KMBC Planning**

EXPIRY DATE: **30 July 2013**

CASE OFFICER: **Katherine Mathieson**

1. NOTATION

1.1 Outside development limits

2. DESCRIPTION OF SITE

2.1 The application site is triangular with a frontage of approximately 125m and a depth of 225m. The total site area of approximately 1.14ha. The site is located outside development limits and for the purposes of planning is located within the open countryside.

2.2 There is an existing vehicular access into the site, along with a turning area and a large stable building, all of which were approved under planning permission UTT/0766/09/FUL. In addition, a retrospective planning application for two storage buildings adjacent to the stables was approved on 9 May 2013.

3. PROPOSAL

3.1 This application seeks the removal of condition C.6.9 attached to planning permission UTT/0766/09/FUL. The condition full wording of the condition is:
"The stables hereby permitted shall not be used for the purposes of a riding establishment within the meaning of the Riding Establishments Act 1964 or for any type of livery use.
REASON: Permission is granted solely to serve the domestic needs of the applicant."

4. APPLICANT'S CASE

4.1 A supporting statement has been submitted with this application. This indicates that the site is not being used as a livery or riding establishment. All five stables are being used by horses which are owned or loaned to the tenant and the activity is not in breach of the condition. It is acknowledged that while there may be concerns that if the site could potentially be used for livery it could lead to intensification of the site; however this will not be the case. The site is 1.4ha and this size of site could not accommodate any further horses.

5. RELEVANT SITE HISTORY

5.1 UTT/0766/09/FUL

5.2 Erection of stables/feed and tack store with associated parking and turning area conditionally approved October 2009.

5.3 UTT/13/0548/FUL

5.4 Retrospective application for retention of two hay stores unconditionally approved May 2013.

6. POLICIES

6.1 National Policies

National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

S7 – The Countryside

GEN1 – Access

GEN8 – Vehicle Parking Standards

7. PARISH/TOWN COUNCIL COMMENTS

7.1 It was agreed to object to the planning application below with an explanation that existing condition has not been upheld, to approve this will be a relaxation to the original condition.

8. CONSULTATIONS

ECC Highways

8.1 The Highway Authority has no objections to this proposal as it is not contrary to the relevant transportation policies contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

ECC Ecology

8.2 We have no comments to make on this application.

9. REPRESENTATIONS

9.1 One representation received from the National Trust. Period expired 3 July.

9.2 The National Trust is the largest Conservation Charity in Europe, with over 4 million members. Section 4 of the National Trust Act 1907 defines the purpose of the National Trust as *"The permanent preservation for the benefit of the nation of lands and tenements (including buildings) of beauty or historic interest and as regards lands for the preservation (so far as practicable) of their natural aspect features and animal and plant life"*

Hatfield Forest is an area of ancient woodland which formed part of the royal hunting forests of Essex. It has belonged to the Trust since 1924 and is held as an inalienable

property, which means the National Trust has made an irrevocable commitment to look after the land forever. The forest is designated as a Site of Special Scientific Interest and a National Nature Reserve within which there are protected ancient trees, some of which are estimated to be in the region of 1,200 years old.

Due to its size, location and attractiveness the forest has increasingly been used as a public open space and it is estimated to now receive in excess of 450,000 visitors a year, many of whom are from the local area but the property also has sub-regional significance and attracts visitors from London and the wider area. As the population grows and developments come into being, so the numbers of visitors to the forest are also growing and The National Trust faces a major challenge in maintaining and conserving the natural features of the forest, with visitor demand. This is particularly challenging as it has so many defined and undefined points of access through which people enter.

The application to which this relates seeks the removal of a condition on Planning permission UTT/0766/09/FUL controlling the use to that for domestic purposes only. Condition C.6.9 states *“The stables hereby permitted shall not be used for the purposes of a riding establishment within the meaning of the Riding Establishments Act 1964 or for any type of livery use”*.

The riding establishment in question is situated immediately adjacent to Hatfield forest and the National Trust is concerned about this proposed amendment. A relaxation of the planning condition here to allow the presence of a commercial riding establishment represents an intensification of use. The forest is a popular destination for visitors and the lack of parking provided within the site would be likely to lead to overspill onto the highway and into the forest layby. Visibility on this section of road is poor and the relaxation of this condition could potentially lead to congestion and safety issues for pedestrians, motorists and horse riders, including visitors to the forest. Any increase in the number of cars parked on the paddock could potentially detract from views out of the medieval landscape.

10. APPRAISAL

The issues to consider in the determination of the application are:

- A The Countryside
- B Access
- C Vehicle Parking Standards

A The Countryside

10.1 The stables facilities already exist on the site and no additional built form is proposed as part of this application. The original planning permission granted in 2009 was for the erection of stables/feed and tack store with associated parking and turning area. The supporting information submitted with that application indicated that the development would be used for domestic use, therefore any use as a livery or riding establishment would require a separate application for change of use. As such, the imposition of a condition preventing the use of the development as a riding establishment or livery was unnecessary and failed to comply with the 6 tests for conditions as set out in circular 11/95 – Use of conditions in planning permission.

10.2 If this condition is removed, in order for the site to be run as a livery or riding establishment, planning permission would still be required for the change of use. At such a time, the potential impact of the proposal would be assessed against the Development Plan policies in force at that time. The removal of the condition would not therefore have any impact on the open and rural character of the surrounding

countryside, including Hatfield Forest close to the site, and would comply with the requirements of ULP Policy S7.

B Access

10.3 Essex County Council Highways Department has been consulted with regard to the proposal and has no objections to the removal of the condition. As detailed above, the removal of the condition would not grant an alternative planning permission for livery or riding establishment use and would therefore not have any impact on the existing access or surrounding road network.

C Vehicle Parking Standards

10.4 The site has provision for vehicle parking which was approved as part of the original application in 2009. The removal of the condition would not alter that provision and the site has adequate parking within it to comply with the requirements of ULP Policy GEN8.

11. CONCLUSION

The following is a summary of the main reasons for the recommendation:

- A The removal of the condition would not impact on the open and rural character of the surrounding countryside.
- B There would be no impact on the access or the surrounding road network if the condition were to be removed.
- C The site has sufficient on-site parking provision and the removal of the condition would not alter this.

RECOMMENDATION – CONDITIONAL APPROVAL

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

REASON: In order to comply with Section 91 (1) and (2) of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be implemented in all respects strictly in accordance with the submitted plans contained in the application unless agreed in writing by the local planning authority.

REASON: To ensure the scheme will be carried out as approved and because any changes must be agreed in advance in writing by the local planning authority.

3. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. Subsequently these works shall be carried out as approved. The landscaping details to be submitted shall include:-

- a) means of stable block enclosure (extent of native hedgerow - details to be agreed)
- b) existing trees hedges or other soft features to be retained
- c) planting plans including specifications of species sizes planting centres number and percentage mix and details of seeding or turfing

REASON: The landscaping details as submitted are considered unsatisfactory in view of the location of the site in accordance with Policy S7 of the Uttlesford Local Plan (adopted 2005).

4. All hard and soft landscape works shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings the completion of the development or in agreed phases whichever is the sooner and any plants which within a period of five years from the completion of the development die are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards unless otherwise agreed in writing by the local planning authority in accordance with Policy S7 of the Uttlesford Local Plan (adopted 2005).

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development.

5. The existing field hedge along the frontage with Wood Row and the hedge along the eastern boundary with Forest Cottage shall be retained unless the local planning authority gives its written consent to their removal or variation. Should any part of the hedge die be removed or become seriously damaged or diseased they shall be replaced during the following planting season by a hedge planted in accordance with a specification previously approved in writing by the local planning authority.

REASON: To protect the existing planting in the interests of visual amenity in accordance with Policy S7 of the Uttlesford Local Plan (adopted 2005).

6. No development shall take place until details of materials to be used in the construction of the roof of the building hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details. Subsequently the external surfaces shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policies S7 and GEN2 of the Uttlesford Local Plan (adopted 2005).

7. All external timber and windows shall be painted black. All external weather-boarding shall be feather-edged and painted black. Subsequently the materials shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policies S7 and GEN2 of the Uttlesford Local Plan (adopted 2005).

8. There shall be no floodlighting or other form of external lighting constructed within the application site without the prior written consent of the local planning authority.

REASON: To ensure the development does not adversely affect the rural character of the area in accordance with Policies S7 and GEN2 of the Uttlesford Local Plan (adopted 2005).

9. Prior to the commencement of development details of the surface water disposal arrangements shall be submitted to and approved in writing by the local planning authority. These should encompass sustainable principles in accordance with the recommendations of PPS25 and arrangements for their ongoing maintenance. The drainage shall be constructed as approved prior to the construction of any building on the site and maintained in the same condition thereafter.

REASON: To control the risk of flooding to the development and adjoining land in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

10. The first six metres of any private access way as measured from the proposed highway boundary shall be treated with a bound surface dressing as approved in writing by the local planning authority and thereafter retained in that form.

REASON: To prevent the tracking out of materials onto the highway in the interests of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

11. Any manure heaps stored on the site as a result of the development hereby permitted shall be kept a minimum of 30 metres from the road frontage.

REASON: In order to protect the amenities of local residents in accordance with Policy GEN4 of the Uttlesford Local Plan (adopted 2005).

12. There shall be no burning of horse manure on the site.

REASON: In order to protect the amenities of local residents in accordance with Policy GEN4 of the Uttlesford Local Plan (adopted 2005).