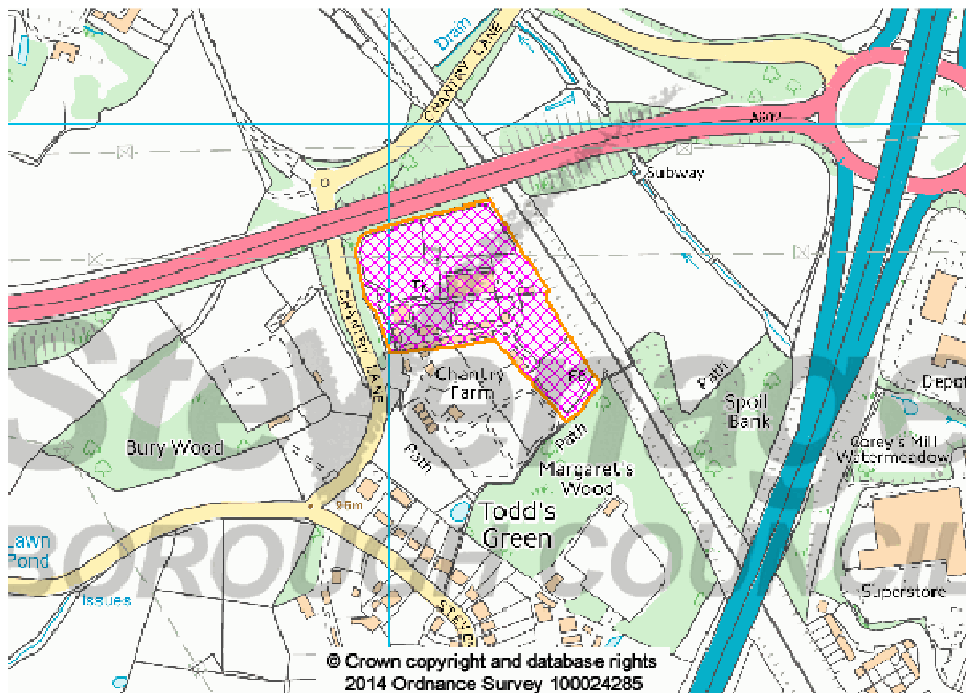


Meeting:	Planning and Development Committee	Agenda Item:6
Date:	10 November 2015	
Author:	James Chettleburgh	01438 242266
Lead Officer:	Zayd Al-Jawad	01438 242257
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Application Nos:	15/00476/FP
Location:	Courtlands, Todds Green, Stevenage, Herts.
Proposal:	Retention of 2 no. storage barns for equipment and feed.
Drawing Nos.	RUF/15/01
Applicant:	Courtlands Riding Stables
Date Valid:	07 th August 2015
Recommendation:	REFUSE PLANNING PERMISSION



Plan for information purposes only

1. SITE DESCRIPTION

- 1.1. The application site is located on the north western side of Todds Green in close proximity to the A1(M) motorway which borders the western edge of the site. To the north of the application site is the East Coast railway line. The application site comprises Courtland's Riding Stables which consists of a number of agricultural sheds, stable blocks and paddocks. There are also two pre-fabricated static caravans and two storage barns which are the subject of this planning application.
- 1.2. The surrounding area is characterised by rolling open countryside which is punctuated by mature trees and hedges. There are also a number of farms which comprise of agricultural sheds and storage buildings. The site and the surrounding area are designated in the adopted Stevenage District Plan Second Review 1991-2011 (adopted 2004) as Green Belt.

2. RELEVANT PLANNING HISTORY

- 2.1 Planning application reference 2/0254/77 was granted in November 1977 for the retention of the stable block and the construction of buildings incorporating 9 stalls.
- 2.2 Outline planning application reference 2/0285/77 was granted in January 1979 for the erection of a bungalow, two stable blocks, universal area, car parking and outdoor ménage.
- 2.3 Planning application reference 2/0183/78 was granted in February 1979 for the temporary siting of a caravan (mobile home).
- 2.4 Planning application reference 2/0359/78 was granted in February 1979 for an indoor riding school and car parking facilities.
- 2.5 Planning application reference 2/0233/79 was granted in February 1980 for the erection of a bungalow.
- 2.6 Planning application reference 2/0361/80 was granted in January 1981 for the change of use of the toilets, kitchen and comfrey drying building to riding school, students residential accommodation.
- 2.7 Planning application reference 2/0351/83 was refused permission on November 1983 for the use of Courtlands and five acres of land for a riding school including use of large barn as temporary riding school, students room as temporary living accommodation and continued use of caravan site for living purposes.
- 2.8 Planning application reference 2/0352/83 was refused outline permission in November 1983 for a bungalow.
- 2.9 Planning application reference 2/0353/83 was refused in November 1983 for the renewal of permission for an indoor riding school free from spectators event restriction.
- 2.10 Planning application reference 2/0316/84 was granted in November 1984 for the retention of the agricultural barn and its additional use for indoor riding school, and use of the whole site for a riding school and stables.

- 2.11 Planning application 2/0317/84 was granted in November 1984 for an indoor riding school unencumbered by condition 2 of planning permission 2/359/78 prohibiting the use of the land for holding gymkhanas or similar spectator events, for indoor riding school.
- 2.12 Planning application reference 2/0318/84 was granted in November 1984 for the use of the agricultural universal building and the continued use of the site, for a caravan for the temporary residence for parking of the family operating the riding school.
- 2.13 Planning application reference 2/0319/84 was granted in November 1984 for a detached bungalow for the family operating the riding school and stables.
- 2.14 Planning application reference 2/0345/84 was granted in November 1984 for the retention of the siting for the residential caravan for the operators of the riding school.
- 2.15 Planning application reference 2/0320/84 was granted in November 1984 for the additional use of students hostel as temporary family residence for operators of riding school.
- 2.16 Planning application reference 2/0488/87 was refused in January 1988 for the use of the universal building and students hostel as permanent dwellings unencumbered by condition 4 of planning permission reference 2/0318/84.
- 2.17 Planning application reference 2/0379/89 was granted in December 1989 and for the renewal of planning permission 2/319/84 which was for a detached bungalow, stables and farm.
- 2.18 Planning application reference 2/0473/89 was granted in December 1989 for the renewal of temporary planning permission reference 2/0345/84 for the retention of a site for a residential caravan for the operators of the riding school.
- 2.19 Planning application reference 08/00308/FP which was for the demolition of 1no dwelling and erection of 1no. five bedroom and 2no. four bedroom detached dwellings, was withdrawn in June 2008.
- 2.20 Lawful Development Certificate reference 14/00307/CLEU was granted in September 2014 for the permanent use of land for the stationing of two residential caravans.

3. THE CURRENT APPLICATION

- 3.1 This current application seeks retrospective planning permission for the retention of two storage barns for equipment and feed. The existing buildings are currently used for the storage of equipment, machinery, animal feed and parking of a vehicle. The first storage barn (barn A) measures 4 metres (m) in width by 4m in length with an eaves height of 2.5m with an overall height of 2.85m. The storage barn has a footprint of 16 square metres (m²) with an overall volume of approximately 40 cubic metres (m³). The second storage barn (barn B) measures 12m in width by 9m in length with an eaves height of 3.6m with an overall height of 4.39m. This storage barn has a footprint of 90m² with an overall volume of approximately 474m³.

4. PUBLIC REPRESENTATIONS

- 4.1 The planning application was advertised by way of a site notice. At the time of drafting this report, no responses have been received.

5. CONSULTATIONS

5.1 The Environment Agency

- 5.1.1 No objection.

5.2 The Council's Environmental Health Department.

- 5.2.1 No objection.

5.3 Herts and Middlesex Wildlife Trust

- 5.3.1 No objection.

5.4 North Hertfordshire District Council

- 5.4.1 No objection.

5.5 Wymondley Parish Council

- 5.5.1 No objection.

6. RELEVANT PLANNING POLICIES

6.1 Background to the Development Plan

- 6.1.1 In the determination of planning applications development must be in accordance with the statutory development plan unless material considerations indicate otherwise. For Stevenage the statutory development plan comprises:

- Hertfordshire Waste Development Framework 2012 and Hertfordshire Waste Site Allocations Development Plan Document (adopted 2012 and 2014)
- Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007)
- The Stevenage District Plan Second Review 2004.

The former Stevenage Draft Core Strategy and Development Management Policies were withdrawn on 1st February 2012. However, the Site Specific Policies Plan, the Old Town Area Action Plan and the Gunnels Wood Area Action Plan have all been approved locally by the Council's executive as material considerations in the determination of planning applications and continue to be used for Development Management purposes. Additionally, the Council's Interim Planning Policy Statement

adopted in April 2012 is a material consideration in the determination of planning applications registered on or after the 18 April 2012.

- 6.1.2 Where a Development Plan Document has been submitted for examination but no representations have been made in respect of relevant policies, then considerable weight may be attached to those policies because of the strong possibility that they will be adopted. The converse may apply if there have been representations which oppose the policy. However, much will depend on the nature of those representations and whether there are representations in support of particular policies.
- 6.1.3 In considering the policy implications of any development proposal the Local Planning Authority will assess each case on its individual merits, however where there may be a conflict between policies in the existing Development Plan and policies in any emerging Development Plan Document, the adopted Development Plan policies currently continue to have greater weight.

6.2 Central Government Advice

- 6.2.1 In March 2012 the National Planning Policy Framework (NPPF) was published and in doing so it replaced many documents including all Planning Policy Guidance Notes and Planning Policy Statements. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. Annex 1 of the NPPF provides guidance on how existing local plan policies which have been prepared prior to the publication of the NPPF should be treated. Paragraph 215 of the NPPF applies which states that only due weight should be afforded to the relevant policies in the adopted local plan according to their degree of consistency with it.
- 6.2.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is itself a material consideration. Given that the advice that the weight to be given to relevant policies in the local plan will depend on their degree of consistency with the NPPF, it will be necessary in the determination of this application to assess the consistency of the relevant local plan policies with the NPPF. The NPPF applies a presumption in favour of sustainable development.
- 6.2.3 In addition to the NPPF advice in the National Planning Practice Guidance (March 2014) also needs to be taken into account. It states that, where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the National Planning Policy Framework requires the application to be determined in accordance with the presumption in favour of sustainable development unless otherwise specified.

6.3 Adopted District Plan

TW1: Sustainable Development;
TW6: Green Belt;
TW8: Environmental Safeguards;
TW9: Quality in Design;
T15: Car Parking Strategy;
EN27: Noise pollution.

6.4 Supplementary Planning Documents

Parking Provision SPD (2012)
Stevenage Design Guide SPD (2009)

7 APPRAISAL

7.1 The main issues for consideration in the determination of the application are its acceptability in land use policy terms, impact on visual amenities, impact on residential amenities, car parking provision and highway implications.

7.2 Land Use Policy Considerations

7.2.1 The site is located within the Green Belt as defined on the Local Plan Proposals Map. Policy 88 of the National Planning Policy Framework (NPPF) (2012) states that “*when considering any planning application....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...is clearly outweighed by other considerations*”. This is reflected in Policy TW6 of the Stevenage District Plan Second Review 1991 to 2011 (2004).

7.2.2 Paragraph 89 of the NPPF stipulates that the construction of new buildings should be regarded as inappropriate development in the Green Belt. Inappropriate development, by definition, is harmful to the Green Belt. However, an exception to this is the provision of appropriate facilities for outdoor sport and recreation. Therefore, the existing storage barns could be deemed to be appropriate facilities which are ancillary to the use of the site as a riding stable. This is because ‘equestrian’ uses, in the Green Belt may be appropriate as they help to promote outdoor recreation in line with the policies set out within the NPPF (2012).

7.2.3 Notwithstanding the above, paragraph 89 of the NPPF does caveat that in regards to new buildings, they need to preserve the openness of the Green Belt and they must not conflict with the purposes of including land within it. Consequently, it is for the applicant to demonstrate how new buildings do not harm the openness of the Green Belt. Therefore, the applicant is required to provide a case of ‘Very Special Circumstances’ to justify how the benefits of the development outweigh the harm caused.

7.2.4 This application, as set out in paragraph 3.1 of this report, seeks retrospective planning permission for the erection of 2 no. barns to store:-

- Animal feed and bedding for the horses on the site;
- Machinery used in connection with the use of the land;
- Securing equipment which is used in the ménage and training areas.

7.2.5 In terms of the case of ‘Very Special Circumstances’, the applicant states that the development falls in line with Policy TW6 of the adopted Local Plan (2004) and the NPPF (2012). This is because the riding stables offer outdoor sport and recreation activities that have been established for many years. The two buildings have been erected within the built complex of the existing stables, therefore, do not affect the openness of the Green Belt and clearly provide appropriate storage facilities that are ancillary and incidental to the established lawful outdoor sport and recreation use.

7.2.6 As mentioned in paragraphs 7.2.2 and 7.2.3 of this report, there is no contention that the existing buildings do offer ancillary storage facilities to an established equestrian use. It is also noted that such uses which have been long established, help to promote outdoor sport and recreation. However, these buildings have to also preserve the openness of the Green Belt and must not conflict with the purposes including land within it.

- 7.2.7 Dealing with storage barn A, this has been located adjacent to the ménage and stables. The applicant advises that this has replaced 2 lorry bodies/trailers which were moveable structures.
- 7.2.8 There is case law which confirms that the introduction of moveable structure which would have been used for storage purposes would constitute development requiring planning permission (*Save Wooley Valley Action Group vs Bath and North East Somerset Council 2012*). Taking this decision into consideration, these lorry bodies did not at the time benefit from planning permission. Therefore, they would have been deemed to be unauthorised development. Consequently, the fact that they were there previously adds little justification towards the introduction of new buildings on this site, given they did not benefit from planning permission.
- 7.2.9 In assessing the impact of the building on the openness of the Green Belt, storage barn A is single storey with an overall height of 2.85m, so is lower in height than the existing surrounding stable buildings. The building is also located in close proximity to the ménage and is of a limited size, scale and footprint. Therefore, it is considered that storage barn A does not harm the openness of the Green Belt.
- 7.2.10 Turning to storage barn B, this is located on the remnants of a previous building, which was demolished in the 1980's. Given the period of time between the demolition of the previous building and the erection of the storage barn, the proposal would not be classed as a replacement structure. Therefore, it would be classed as a new building on an area of land which until recently, was open in character.
- 7.2.11 This storage barn is the larger of the two buildings, measuring 12m in width by 9m in length with an eaves height of 3.6m with an overall height of 4.39m. This storage barn has a footprint of 90m² with an overall volume of approximately 474m³. When visiting the site, the building was being used to store the following:
- A large motor vehicle;
 - A conventional sized tractor;
 - Animal feed for horses and dogs;
 - Ladders and equipment;
 - Storage cupboards and metal racking.
- 7.2.12 It was noted from the site visit that the majority of this building is an empty void with a large area of unused space. Therefore, the need for a building of this overall size and scale is questionable. Further to this, the storage of animal feed and/or hay could be stored under water proof covering or elsewhere within the application site. This is supported by an Appeal Decision APP/L3625/A/05/1195350 (*Reigate and Banstead Borough Council*) where the Inspector considered, based on the evidence before him, that straw and hay, as well as animal feed, could be stored outside under a suitable waterproof covering. Therefore, it was argued that the straw and hay under a waterproof cover can be kept relatively dry and free of mould. This is similar to horse feed, which is kept in bags, and thus, could be stored under waterproof covering or within other buildings located across the application site. Furthermore, there are a number of buildings, such as the existing stables, which are of a sufficient size to store equipment and animal feed. Moreover, it was also identified from the site visit that there is an auto repair business currently operating from one of the existing storage buildings located at the northern end of the site. This building could also be used for the storage of horse feed and equipment if the auto repair business, which does not relate to the established equestrian use of the site, was not operating from this building.

- 7.2.13 In terms of the tractor, motor vehicle and equipment, it is understood that the applicant has a desire to ensure that these vehicles are kept under cover as storing them in the open would allow the elements to cause serious damage to them. However, as supported by the aforementioned appeal, it is considered that it could be possible to provide covers for these items which protect the vehicles and machinery from the elements. Therefore, it is considered that insufficient justification has been submitted to support why a storage barn of the size and scale constructed at the site is required.
- 7.2.14 In terms of the overall size and scale of the larger barn, it is quite a prominent structure seen against the backdrop of the existing built form of the stables. This is because the building is taller than the majority of the buildings within Courtlands, including the hay store located adjacent to the building. Furthermore, the proposed development would increase the overall built footprint and volume of Courtlands, therefore, eroding the more open character of this part of the site, given the previous hay building was demolished a number of years ago. Consequently, the development would have a detrimental impact on the openness of the Green Belt which is its most important characteristic.
- 7.2.15 In summary, the NPPF advises that the most important attribute to the Green Belt is its openness. It is noted that the buildings cannot be readily viewed from public vantage points. However, the larger storage barn (barn B) does impact on the openness of the Green Belt and the applicant has failed to provide a case of 'Very Special Circumstances' to demonstrate how the benefits of the storage building would outweigh the harm caused to the openness of the Green Belt. Consequently, the existing storage building represents inappropriate development which is harmful to the openness of the Green Belt contrary to paragraphs 88 and 89 of the National Planning Policy Framework (2012) and Policy TW6 of the Stevenage District Plan Second Review 1991 to 2011 (adopted in 2004).

7.3 Design and Visual Impact

- 7.3.1 The existing steel fabricated buildings are clad in vertical steel panels and sited on a concrete pad. Both of the storage barns have roller shutter doors which are constructed from steel. The existing barns are finished in a dark green colour.
- 7.3.2 The existing development has been designed to reflect the character and appearance of an agricultural barn, which is not out of character in a rural context. In regards to the surrounding built form of the riding stables, these range from steel, pre-fabricated buildings with profiles sheet metal cladding, a pre-fabricated bungalow and static caravans to brick built structures with tiled roofs. Therefore, due to the range of external finishes to the buildings, the development does not appear out of context with the wider visual catchment area.
- 7.3.3 In summary, the appearance of the barns is not considered to harm the visual amenities of Courtlands and the wider street scene.

7.4 Impact on Residential Amenities

- 7.4.1 The nearest residential property is "The Lodge" which is located 65m to the west of the application site and Woodside House on Chantry Lane which is located 127m south of the development. It is considered that there is a significant separation distance between the development site and these residential properties, such that the development would not cause any undue harm to the amenities of these properties. Furthermore, the buildings would be screened by existing stables along with the mature trees located along the western boundary of the site.

7.5 Parking Provision and Highway Implications

- 7.5.1 The Council's Parking Standards SPD 2012 states that for Use Class D2 (Assembly and Leisure) 1 parking space is required per 15 sq.m of gross floor area created. The existing development creates 130 sq.m which equates to 9 parking spaces.
- 7.5.2 In terms of parking provision, there is an existing surface car park located to the north of the application site in close proximity to the ménage. This provides sufficient parking for any visitors/operators using the existing buildings. Given this, the existing development would be supported by sufficient off-street parking within the riding school complex. In terms of trip generation, given the development would be operated by existing staff, the existing development would not lead to a significant increase in trip generation from the site which would prejudice highway safety.
- 7.5.3 The existing development would therefore, provide appropriate car parking in accordance with the Council's Parking Standards SPD (2012).

8 CONCLUSIONS

- 8.1 In conclusion, the existing storage building (barn B) represent inappropriate development which is harmful to the openness of the Green Belt. The applicant has failed to adequately demonstrate a case of 'Very Special Circumstances' to outweigh the harm caused to the Green Belt contrary to paragraphs 88 and 89 of the National Planning Policy Framework (2012) and Policy TW6 of the Stevenage District Plan Second Review 1991 to 2011 (adopted in 2004).

9 RECOMMENDATIONS

- 9.1 That planning application be REFUSED subject to the following conditions:
- 1 The existing storage building (barn B) represents inappropriate development which is harmful to the openness of the Green Belt. The applicant has failed to adequately demonstrate a case of very special circumstances to outweigh the harm caused to the Green Belt contrary to paragraphs 88 and 89 of the National Planning Policy Framework (2012) and Policy TW6 of the Stevenage District Plan Second Review 1991 to 2011 (adopted in 2004).

Pro-active statement

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted pro-actively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

10 FURTHER CONSIDERATIONS

- 10.1 Having recommended refusal of the retrospective planning application, a decision needs to be made as to whether the Council should undertake enforcement action against the breach of planning control which has occurred in this instance.

- 10.2 As set out previously in this report, it is considered that whilst the smaller of the two buildings is deemed to be inappropriate development in the Green Belt, it was concluded that due to its overall limited size and scale as set against the backdrop of the existing riding stables complex, it does not harm the openness of the Green Belt. Consequently, it is not considered expedient to undertake enforcement action to seek the removal of this building (barn A).
- 10.3 Turning to the larger barn (barn B), as set out earlier in the report, it was concluded that this existing storage building represents inappropriate development which is harmful to the openness of the Green Belt. Furthermore, the applicant has failed to submit a case of 'Very Special Circumstance' to justify how the benefits of this building outweighs the harm which is caused to the openness of the Green Belt.
- 10.4 Given the aforementioned comments, should the Committee agree with the recommendations set out in section 9 of this report to refuse planning permission, authorisation is sought to take enforcement action to secure the cessation of the use of storage barn B and to remove the building from the site in its entirety. It is considered that a period of three months from the date of the decision is deemed reasonable in line with the Government's National Planning Practice Guidance (2014).
- 10.5 Further to the above, it is not considered that the removal of storage barn B would affect the operation of the existing riding stables, given that it is a well-established site and that the business has been able to operate for a number of years, including the storage of horse feed and equipment, prior to the erection of the storage barn.

11 FURTHER RECOMMENDATION

- 11.1 That an Enforcement Notice be issued and served by the Head of Planning, and Engineering, subject to the Borough Solicitor being satisfied as to the evidence requiring the removal of the storage building B at Courtlands, Todds Green. The precise terms of the Enforcement Notice, including all time periods, to be delegated to the Head of Planning and Engineering.
- 11.2 That, subject to the Borough Solicitor being satisfied with the evidence, the Head of Planning and Engineering be authorised to take all steps necessary, including prosecution or any other litigation/works in default to secure compliance with the Enforcement Notice.
- 11.3 That in the event of any appeal against the Enforcement Notice, the Head of Planning and Engineering be authorised to take any action required to defend the Enforcement Notice and any appeal against the refusal of planning permission.

12 REMEDY REQUIRED

- 12.1 Within three months of the date of refusal of planning permission, to cease the use of Storage Barn B and to permanently remove the unauthorised building from the site.

13 BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage District Plan Second Review 1991-2011.
3. Central Government advice contained in the National Planning Policy Framework March 2012 and National Planning Policy Guidance 2014.

4. Responses to consultations with statutory undertakers and other interested parties referred to in this report.