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Date of Meeting: 11 April 2019

APPLICATION NO: 18/2410/FUL

DATE OF APPLICATION: 31 December 2018

STATUTORY START DATE: 30 January 2019

SITE LOCATION

Caldecote Farm, Caldecote Lane, Bushey, Hertfordshire, WD23 4EF

DEVELOPMENT

Erection of new equestrian centre comprising livery stables, indoor arena, club room, lecture and training room, ancillary storage and overnight veterinary accommodation; with external horse walkers, external show jumping and dressage training area; access; parking; landscaping and drainage.

AGENT

Mr Matthew Blythin
Eclipse House
Eclipse Park
Sittingbourne Road
Maidstone, ME14 3EN

APPLICANT

Mr Edward Brook
C/O Agent

WARD: Bushey Heath

GREEN BELT: Yes

CONSERVATION AREA: No

LISTED BUILDING : No

TREE PRESERVATION ORDER: No

REASONS FOR COMMITTEE CONSIDERATION

The proposal is a major application for a development on open land in the Green Belt, which would be on land that has not previously been developed. According to the scheme of delegated authority in the Council's constitution it would not be appropriate for this case to be determined by planning officers acting under delegated powers, but rather it should be considered by members of the Planning Committee.

It should be noted that, while the Council are entitled to refuse planning permission (which is the recommendation of this report), if the Planning Committee were minded to approve the application it would be necessary to consult the Secretary of State before an approval could be issued. This is a requirement of Circular & Direction 02/2009 of the Department of Communities and Local Government, pursuant to Articles 10(3) and 14(1) of the Town and Country Planning (General Development Procedure) Order 1995. That direction requires that any Green Belt development involving the provision of buildings where the floor space would be 1000m² or more (in this case it would be 3262m²) should not be approved unless the Secretary of

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State has been consulted, and a period of at least 21 days should have elapsed from the acknowledged receipt by the SOS before the Local Authority may issue an approval, unless the SOS has written to indicate that they do not intend to issue a direction under section 77 of the Town and County Planning Act 1990 to call the case in.

1.0 SUMMARY OF RECOMMENDATION

Refuse planning permission for the reasons that are set out at the end of this report.

2.0 APPLICATION SITE AND SURROUNDINGS

2.1 The application site consists of two open fields, which are land that has never been developed. They are located in the Green Belt. They have been in use for many years for the grazing of horses associated with the existing (soon to be demolished) equestrian centre at Caldecote Farm. The land slopes down to the North-West. The M1 motorway is located on lower ground to the North of the site.

2.2 The application site does not include Caldecote Farm itself, which is located to the South-East, with other fields separating the farm from the application site. Caldecote Farm has been used as an equestrian centre since the 1960s. Planning permission was granted in 1967 for the erection of an indoor riding academy there, and that indoor arena was still in use when this application was submitted – although it is understood that the landlord has required that the lessee (who is the applicant in this case) vacate the site by the end of March 2019 – his reason being that he wishes to demolish the farm buildings and erect houses on the land. Planning permission was granted for that development in 2016, the Council having accepted evidence that was presented in that application that there was no viable future for an equestrian centre at Caldecote Farm.

2.3 It is understood that the applicant, having been a long-term tenant at Caldecote Farm, where he has operated the existing equestrian centre that is soon to be demolished by its freeholder, has recently acquired ownership of the fields that form the application site.

2.4 This is not a Conservation Area, but there is one Locally Listed Building and two Nationally Listed Buildings nearby. The Locally Listed Building is Caldecote Cottage which stands beside the farm. It dates from circa 1750 (Local List no 273). Work is underway on a rear extension to the building. To the east of the site, on the other side of Hillfield Lane South, stands Caldecote, which is a Grade II nationally listed house. To the south of the site are Immanuel School and Rosary Priory (a convent), which were originally one site but have been divided. The school contains a historic building that has a distinctive tower that is a local landmark, and this is a Grade II nationally listed building. The tower can be seen from the site. Some of the fields that border the application site belong to Rosary Priory.

2.5 Immanuel College, Rosary Priory, and all the land to the north of Woodstock Road, including Caldecote Farm and the fields that include the development site, are on land that is designated as Green Belt by the Hertsmere Local Plan. One of the

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applicants' supporting documents claims that the existing equestrian centre is located outside the Green Belt, but that is not correct.

3.0 THE PROPOSAL

3.1 The proposal is to create an equestrian centre on the site, which would serve a range of users from children and beginners up to professional level. Liveries and training facilities are proposed, but the application states that it is not intended to hold competitions here. The development would consist of the following elements:

- A new gated access drive would be created which would connect with Hillfield Lane South at the point where it meets the M1 motorway.
- A building would be erected that would contain a double height arena for indoor equestrian activities, as well as 33 stables, tack rooms, a feed station, laundry room, boot room, staff room, toilets, plant room, maintenance workshop, an office, kit store and a club room with a kitchen. Part of the building would include a first floor, accessed by a lift or by stairs, where there would be a room for lectures, training and client entertainment, and also a one bedroom flat for overnight veterinary accommodation.
- A surface car park would be located along the North-Western side of the building. It would have 27 standard parking spaces and four parking spaces for disabled users. Nearby there would be two decks outside the building, a fruit and vegetable garden and a pond.
- On the South-East side of the building there would be parking and servicing areas for horse boxes, delivery vehicles etc. A free-standing circular horse-exercise station would also stand here.
- Further to the South-East there would be pasture, but the application includes a warm-up area that is envisaged for that space – possibly to be added at a later date.
- To the east of the building there would be a concrete lined dish set into the ground to form a water exercise area for horses, which would be connected to another pond nearby.
- Further to the east it is proposed to install an outdoor dressage area, which would be a rectangular compound 65m by 80m, which would have a synthetic surface.
- Some tree planting is proposed around the site.

3.2 Clarification regarding a separate application for a cross country course

3.3 It should be noted that this application does not include the creation of an outdoor cross country course on the other side of Hillfield Lane South. That proposal is the subject of a separate planning application (PL/0066/19) that was submitted

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alongside this one, but whereas this application is to be determined by Hertsmeire Borough Council as the Local Planning Authority, the application for the cross country course is being considered by Hertfordshire County Council who are the Waste and Minerals Planning Authority because it would involve changes to the topography and the importation of inert matter, and as such it falls within their remit.

3.4 That application to the County Council is still pending a decision at the time of writing this report (March 2019). It is a reapplication – a similar proposal having been approved by the County Council in 2013, but that permission has since expired without having been implemented. Planning officers from the two authorities have consulted each other on these applications.

3.5 Drawings and documents submitted

3.6 The following list is of the documents that currently form parts of the application: i.e. it includes some amended or additional documents that were submitted in January 2019, and it excludes earlier versions that have been superseded by those later revisions.

- Drawing 1150-100e – site layout plan
- Drawing 1150-101c – site / roof plan
- Drawing 1150-102f – ground floor plan
- Drawing 1150-103c – first floor plan
- Drawing 1150-104e – sections of proposed stables building
- Drawing 1150-105c – elevations of proposed stables building
- Drawing 1150-106a – entrance gate detail
- Drawing 1150.LP(A3)H – location plan
- Drawing WD810LM01 – landscape mitigation plan
- Landscape and visual impact assessment, dated Dec 2018 (57 pages)
- Needs assessment, dated Dec 2018 (32 pages)
- Needs assessment appendix 1 – letters of support
- Needs assessment appendix 2 – letters of support
- Contamination assessment ref 416.09118.00001-PLQRA version DRAFTV1, dated Nov 2018 (13 pages)
- Green belt justification report and alternative sites appraisal report (11 pages)
- Heritage impact assessment, dated Nov 2018 (33 pages)
- Trees report, dated 21 Dec 2018
- Surface water management plan and flood risk assessment ref 416.09118.00001 version 1, Dec 2018 (64 pages)
- Planning statement, ref MB/GB/12277, dated Dec 2018
- Design and access statement, ref 1150-DAASb (7 pages)
- Cover letter ref MB/12277, dated 18 Jan 2019
- Letter of support, dated 3 Jan 2019 from British Riding Clubs
- Business Plan Report dated Dec 2018
- Contamination assessment Dec 2018 – Part 2 drawings & appendices (98 pages)
- Transport statement, dated Dec 2018 (40 pages)
- Preliminary ecological appraisal, dated Oct 2018 (160 pages)

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3.7 Key Characteristics

Site Area	33,000 square metres (3.3 hectares)
Density	Not applicable
Mix	Not applicable
Dimensions	Building: 44m wide, 79m long, height to ridge 8m Outdoor warm up area: 60m x 20m Outdoor dressage area: 65m x 80m
Number of Car Parking Spaces	27 standard car spaces plus 4 disabled car spaces & 15 horse box / large vehicle spaces

4.0 RELEVANT PLANNING HISTORY

4.1 Those rows in the following table that have shaded backgrounds are of particular relevance in this case.

Reference	Description	Outcome and date
TP/56/1773	Use site for five caravans	Grant Permission 24 April 1957
TP/66/2569	Outline application: Replace the old farmhouse which had recently to be demolished out of necessity.	Refuse Permission 20 February 1967
TP/66/2738	Erection of indoor riding academy	Approval 3 April 1967
TP/67/1318	Erection of stable block	Approval 13 June 1967
67/0001/APP	Appeal against refusal of TP/66/2569: Outline application: Replace the old farmhouse which had recently to be demolished out of necessity.	Appeal Dismissed 18 December 1967
TP/68/2979	Extension to building used as indoor riding school.	Approval 14 January 1969
TP/75/0256	Renewal of planning permission for five caravans.	Approval 11 August 1975
TP/76/0686	Proposed equestrian training and exercise area.	Approval 7 February 1977
TP/77/0638	Erection of precast portal frame extension.	Refuse Permission 25 April 1978
TP/77/0740	Renewal of planning permission for five caravans.	Approval 30 May 1978
TP/79/0968	Renewal of planning permission for	Approval

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	five caravans.	22 April 1980
TP/81/0149	Retention of radio mast	Approval 28 April 1981
TP/84/0127	Implement store	Approval 19 April 1984
TP/12/1176	Partial change of use of equestrian centre to A3 use (Cafe) (Amended plans received 10/12/12).	Refuse Permission 4 February 2013
Hertfordshire County Council's ref: 0/0883-13 (CM0947) Hertsmere Borough Council's ref: TP/13/0883	Application for the creation of an equestrian cross country training area, show jumping and dressage area, including the importation of inert material at Caldecote Farm Livery (Consultation from Hertfordshire County Council).	Hertsmere Borough Council raised no objections when consulted on this application by Hertfordshire County Council, who were the determining authority. HBC raised no objections on 14 May 2013 Hertfordshire County Council granted permission on 28 May 2014
TP/13/1578	Retrospective application for partial change of use of equestrian centre to A3 use (cafe); Extension of existing balcony area and installation of additional fire escape staircase (Revised Application).	Grant Permission 22 August 2013
15/0902/FUL	Change of use from livery stables to residential. Demolition of existing buildings, removal of equestrian equipment and hard standing. Construction of 15 no. new dwellings, new access and associated garages, car parking and landscaping.	Application Withdrawn 29 October 2015
15/1431/HCC	Application for variation of condition 2 (approved plans) for application reference 0/0883-13 to amend final levels to accommodate high pressure gas main (HCC Consultation)	Hertsmere Borough Council raised no objections when consulted on this application by Hertfordshire County Council, who were the determining authority. HBC raised no objections on 23 November 2015
16/0160/FUL	Demolition of existing equestrian facility, removal of hardstanding, buildings and structures. Redevelopment of site to provide 5	Permission subject to/linked to Sect 106 13 April 2017

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	no. detached four bedroom dwellings and 4 no. three bedroom apartments together with new access from Hilfield Lane South, associated car parking and landscaping.	
17/0785/PA1	Pre-application enquiry Erection of livery and equestrian centre comprising stables, arena, stud, clubhouse and ancillary veterinary workshop, storage, offices and toilets with associated parking and landscaping. (Pre-Application advice)	A letter was sent to the applicants on 24 th July 2017 with a report attached stating that the proposal was unacceptable in principle. Subsequently a further meeting was held with planning officers and the Head of Planning, following which, on 26.06.2018 (i.e. nearly a year after the letter of advice had been issued) the Principal Planning Officer, shortly before leaving the Council's employ, sent a final e-mail to the agent in which he cautioned that evidence that a new equestrian facility would be desirable here does not amount to evidence of there being an urgent and pressing need for such a facility.
17/0818/DOC	Application for approval of details reserved by condition 5 (Land Assessment) of planning permission reference 16/0160/FUL	Conditions part discharged part not discharged 16 June 2017
17/1496/VOC	Application for variation of condition 15 (plans) to add basements to house types A, B & C following grant of planning permission 16/0160/FUL	Pending a decision
17/1779/DOC	Application for approval of details reserved by condition 5 (contaminated land assessment/site investigation) of planning permission reference 16/0160/FUL.	Condition Discharged 9 January 2018
18/1266/DOC	Application for approval of details reserved by conditions 2 (materials),	Pending a decision

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	3 (walls, fences & gates), 4 (Method Statement), 6 (surface water run off), 7 (drainage impact study), 8 (landscaping) & 14 (management plan) of planning permission reference 16/0160/FUL	
19/0014/FUL	Proposed resubmission of planning consent Ref: 0/0883-13 (28th May 2014) for: Creation of an Equestrian Cross Country training area, show jumping and dressage training area, including the importation of inert material.	Application Withdrawn 22 January 2019
Herts County Council ref: PL/0066/19 (CM0947) Hertsmere Borough Council ref: 19/0130/HCC	Proposed resubmission of planning consent Ref: 0/0883-13 (28 th May 2014) for: Creation of an Equestrian Cross Country training area, show jumping and dressage training area, including the importation of inert material. (Consultation From Herts County Council)	Pending Note that this relates to an application that is being considered by Hertfordshire County Council, on which Hertsmere Borough Council have been consulted.

5.0 CONSULTATION & RESPONSES

5.1 Notices

Site Notice (Generic) 6th February 2019 Expiry Date: 27th February 2019
Watford Observer 22nd February 2019 Expiry Date: 15th March 2019

5.2 Summary of consultation responses

Consultation letters were sent to the following on 31.01.2018 (except for Place Services Conservation Consultants who were consulted on 05.02.2019, Hertfordshire Highways who were consulted on 12.02.2019 and Sport England who were consulted on 21.02.2019). The following bodies also sent us their comments: Thames Water, The Ramblers Association and the Campaign to Protect Rural England.

Consultees	Response
Waste & Street Scene Hertsmere Borough Council	No response received.
CIL Officer Hertsmere Borough Council	No response received.
Policy & Transport	No response received.

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Hertsmere Borough Council	
Senior Traffic Engineer Hertsmere Borough Council	No response received.
Tree Officer Hertsmere Borough Council	No response received.
Cllr Linda Silver	No response received.
Cllr Harvey Cohen	No response received.
Cllr Brenda Batten	No response received.
Cllr Paul Morris	Expressed an interest in the application.
Cllr Seamus Quilty	Expressed an interest in the application.
Spatial Planning & Economy Unit Hertfordshire County Council	No response received.
Highways Service Hertfordshire County Council	<p>A response was received on 06.03.2019 VERBATIM</p> <p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <p>Condition (construction management): The development shall not begin until full details of the following construction management issues have been submitted to and approved in writing by the Local Planning Authority.</p> <ul style="list-style-type: none"> - Routing and on-site parking for construction vehicles and visitors; - Construction and storage compounds; - Cleaning of site entrances, site tracks and the adjacent public highway; - Provision of sufficient on-site parking prior to commencement of construction activities. <p>These details should be submitted in the form of a Construction Management Plan and the approved details are to be adhered to throughout the construction period.</p> <p>Reason: To minimise danger, obstruction and inconvenience to users of the highway.</p>

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	<p>Highway comments: The details submitted include site layout plans providing information on the following elements of the development proposals.</p> <p>Proposed Site Access The proposed development will utilise the existing highway access arrangement on Hillfield Lane South. This road is classified as a Local Access Road within Hertfordshire's road hierarchy. Hillfield Road South operates as a cul-de-sac and is subject to a 30mph speed restriction. The access will be provided with entrance gates which will be set back from the carriageway of Hillfield Lane South. Access to the strategic highway network is available through the junction of Hillfield Lane South with A411 Elstree Road.</p> <p>On-Site Parking and Manoeuvring. The site layout plan identifies parking for 31 car spaces. The Local Planning Authority will give consideration to the on-site parking provision as part of its assessment of the planning application.</p> <p>Trip generation. The proposed development will generate an increase in daily vehicular trips along Hillfield Lane South. However, the nature of this road and its junction with Elstree Road are expected to be capable of distributing these trips without creating significant conflicts for users of the adjacent highway.</p> <p>Sustainable Travel Modes. Existing bus stops are available on Elstree Road within a short walk of the site providing a sustainable travel option between Elstree and Bushey.</p> <p>Summary. The proposed development will generate an increase in traffic movements to and from the surrounding highway network. However, the completed development is not expected to have a significant impact on the safety and operation of the adjacent highway network. The Highway Authority requests that formal consideration is given to construction management issues to ensure that any inconvenience to users of the adjacent highway is minimised. The Highway Authority therefore does not raise any objection to the application subject to confirmation of the suggested planning condition identified above.</p>
Senior Flood Risk & SuDS Officer Hertfordshire	A 4 page letter of objection was received on 20 Feb 2019 SUMMARY:

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<p>County Council</p>	<p>Having reviewed the Surface Water Management Plan & Flood Risk Assessment (version 1 dated Dec 2018) the SuDS officer objects to the proposal and recommends refusal because the information provided does not amount to a suitable basis for an assessment of the flood risks. It is proposed to discharge surface water to an existing ditch, but that is not an ordinary watercourse. Infiltration is not suitable on this site. The application assumes that the ditch discharges into an ordinary watercourse outside the site to the west, but details of this should have been provided; without them it is impossible to assess whether a feasible discharge mechanism exists or whether flood risk would be increased in the area.</p> <p>The submitted modelling did not include run off from the show jumping and dressage training area, the informal parking area or internal roads, but those should have been included. As infiltration is not feasible, the entire site should have been included in the modelling. Some of the proposed SuDS features in the submitted report are not shown on the accompanying drawing. A swale with a right angle turn is proposed, which is not considered a suitable design as it might suffer from soil erosion.</p> <p>The proposal to connect the horse training water features to the surface water drainage network is cause for concern due to the risk of contamination. A foul water treatment system should be installed prior to connection with that network.</p> <p>The proposal to discharge surface water to a ditch, which it is assumed will then connect to a watercourse elsewhere is problematic because the ditch would first pass across land belonging to a third party. The land owner's agreement should have been obtained and submitted.</p> <p>Details should have been submitted of how the proposed drainage scheme will be adopted and maintained for its lifetime, including a maintenance plan.</p>
<p>Thames Water</p>	<p>Comments were received on 22.02.2019 VERBATIM:</p> <p>Waste Comments The application indicates that surface waters will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.</p> <p>Water Comments:</p>

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	<p>With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.</p>
Highways England	<p>A response was received dated 20.02.2019 SUMMARY:</p> <p>Highways England are responding because of their role in ensuring that development does not negatively impact on the strategic road network, which in this case means the M1 motorway. They are content that the trip generation from this development would have a negligible impact on the M1's traffic flow.</p> <p>However they have commissioned a study by their consultants into whether the development, given its proximity to the M1, might have impacts on it as regards flooding or geotechnical issues, and they are awaiting the result of that study. They therefore request that the Council refrains from approving the application (although we may refuse it) pending the outcome of that study.</p> <p>[Planning officer's note – Over a month has elapsed since this representation was received but no further communication has been received from Highways England. If the Council were minded to approve this application it would be necessary to refer it to the Secretary of State under the terms of Circular 02/2009 and Section 77 of the Town and Country Planning Act.]</p>
Transport For London	<p>Comments were received on 02.02.2019 VERBATIM:</p> <p>“The proposed development does not appear to have any impact on TfL projects, services or infrastructure, and so we have no comments to make on the planning application.”</p>
Natural England	<p>A response was received on 20.02.2019 SUMMARY:</p> <p>No comments. Natural England has not assessed this application.</p>
Place Services (Conservation Consultants to Hertsmere Borough Council)	<p>A response was received on 06.03.2019 SUMMARY:</p> <p>There are 3 heritage assets nearby - Caldecote Cottage (locally listed), Cadecote (nationally listed Grade II) and Caldecote Towers (a.k.a. Immanuel School which was once</p>

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	<p>part of Rosary Priory) – but the Heritage Impact Assessment deals with only one of these: Caldecote Towers. The others should have been mentioned, but Place Services consider that the impact of the proposed development on those would be negligible. However they consider that harm (albeit that would be “less than substantial harm”) would be caused to the setting of Caldecote Towers; therefore Paragraphs 193 and 196 of the National Planning Policy Framework should be applied.</p>
Sport England	<p>A response was received on 06.03.2019</p> <p>SUMMARY:</p> <p>Sport England have no comments on this application as it does not fall within either their statutory remit (Statutory Instrument 2015/595), nor their non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306).</p> <p>They write that, as the proposal involves the provision of a new sports facility, consideration should be given to the advice provided by the relevant sports governing body. In the case of equestrian facilities the relevant governing body is the British Equestrian Federation, the umbrella body for equestrian sports. It is understood that as part of the application submission the British Equestrian Federation’s position on the proposal has been set out in a letter that forms part of the equestrian needs assessment, so this should be considered in the first instance.</p>
Ramblers Association	<p>Two different letters were received, both on 25.02.2019, written by different post-holders at the Ramblers: one being their local footpath secretary, the other being their borough level footpath secretary.</p> <p>SUMMARY:</p> <p>Public Bridleway Bushey 51 runs around the NE edge of the application site. It crosses under the motorway: on the north side it connects with the A41, and on this southern side of the M1 it connects with Hilfield Lane South. The application states that no extinguishments or diversions would be required. The bridleway should be kept unobstructed during the works. It passes the site (and also the site of the other application that is being considered by the County Council for an outdoor cross country course). If it were necessary to close it temporarily during the works that must be done through the appropriate procedure under the Herts County Council Countryside and Rights of Way service, with safety signage in place.</p>
Campaign to	<p>A letter was received dated 15.02.2019</p>

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Protect Rural England	<p>SUMMARY:</p> <p>CPRE are concerned that the proposal facilities will be significantly larger both in footprint (24% larger) and in volume (44% larger) than the existing equestrian centre when a comparison is made with the drawings showing the existing centre that were submitted with application 16/0160/FUL. Consequently this application will result in a substantially greater impact on the openness of the Green Belt.</p> <p>The planning officer's report for the previous application 16/0160/FUL accepted the argument that was put forward that there was no need for the existing equestrian facility and that its demolition was therefore acceptable. The current application is arguing that there is a need for such a facility. The claims are inconsistent.</p>
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5.3 Neighbour responses

5.4 Consultation letters were sent to 29 neighbouring premises on 31.01.2019, and also to those people living elsewhere who had made representations on earlier applications at this site. A site notice was put up on 6th February 2019. A press notice was published in the Watford Observer on 22.02.2019.

5.5 The following table shows the number of representations that were received. It should be noted that, while the objections were mainly from residents who live close to the site, most (122 of 151) of the representations in support of the application were from people who live outside the borough. For instance representations in support have been received from London, Dunstable, Margate, Leighton Buzzard, Hemel Hempstead, Hoddesdon, Watford, Kings Langley, Harefield, Northwood, Northolt, Flaunden, Harpenden, High Wycombe, Barnet, Amersham, Ware, Edgware, St Albans, Whetstone, Hatfield and numerous other locations outside the borough. There have also been 29 letters in support from postcodes within Hertsmere.

In Support	Against	Comments	Neighbours Notified	Contributors Received
151 in total of which 29 were from within the Borough	27	4	29	181

5.6 Summary of public representations in support

- There has been an equestrian centre at Caldecote Farm for many years, and it would be wrong to redevelop the land for housing unless the equestrian centre were to be replaced.
- This will be a new state of the art facility run by a British Show Jumping coach.

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- Facilities of this nature are much needed in the area since the closure of others in recent years, including of Park Farm in Northwood, Norton Heath Equestrian Centre, Towelanda Equestrian Centre, and Patchetts Equestrian Centre (which was located near this site at Patchetts Green). Those sites have been developed for housing. Besides riding centres, livery yards are also needed in the area.
- This innovative project will benefit the community.
- Riding is pursued by people from all classes of society, and it should be encouraged as it promotes fitness, fresh air and sportsmanship, and it teaches people to care for a living creature.
- There will be no impact on the environment.
- The proposal will constitute an improvement to the countryside.
- The proposal will add to the biodiversity of the area.
- The facility will benefit the local economy and create jobs. Other local businesses such as vets, farmers, feed merchants etc will also benefit.
- Unlike Patchetts Equestrian Centre (which was located nearby but which recently closed) this is not to be a show centre. For that reason, and because this will replace the existing equestrian centre, there will be no significant increase in traffic arising from the proposed centre.
- Being located just off the A41, the site is well located for horse-carrying vehicles.
- There are buildings in the surrounding area including hotels and a fast food restaurant, so the proposed development will not appear out of place.
- A supporter writes that an estimated 1000 horses may be displaced from the county in the next five years.
- A resident of London NW2 wrote that the nearby Patchetts Equestrian Centre, which closed recently to be redeveloped for housing, used to provide facilities for competition events and equestrian festivals, and that since its closure it has been necessary to travel as far as Bury Farm in Buckinghamshire or Keysoe in Bedfordshire, which takes over an hour.
- This development will ensure that houses can never be built on the land in future, which she considers to be a benefit.
- This will be a redevelopment of a brownfield site, and thus it would have little impact on the Green Belt. [Planning officer's note – This is incorrect. The site is a greenfield site, not a brownfield site. This is not previously developed land.]
- This development will provide infrastructure to link Bushey with the M1/A41, thereby ensuring that Bushey remains an attractive residential and employment town.
- An equine massage therapist writes that she looks forward to lecturing at the facility, which will provide an excellent teaching platform.
- Local people will be able to enjoy watching the horse riders, even if they do not participate. Children will find it educational.
- An international dressage rider and trainer who has competed for Great Britain, and who is now a Paralympic coach training a gold medal winning Paralympian champion, wrote as follows: *“Having trained all over the world it is hugely apparent that England is falling well behind with top class facilities, especially in this area of North London. Most facilities in England are converted old farms, which are not designed for equestrian use, so to have a facility like this in this area will be an incredible asset for all people involved in equestrianism from elite riders to grass root level.”*

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5.7 Summary of objections from the public

- This is a Green Belt site, and the open countryside should be protected from inappropriate development.
- The farm should be removed entirely. The use of so much land for horses is a waste. It should be developed for housing instead, as there is a need for new houses.
- This proposal is too ambitious.
- The proposed new equestrian centre, combined with the new houses that have already been consented, would result in excessive vehicle movements on the narrow lane. Existing residents would suffer as a result of this.
- An objector, who currently lives in Elstree but who is buying a house in the new development that is to be built on the site of the existing equestrian centre, writes that he is worried to hear that a new equestrian centre might be built in such close proximity. He is now thinking of cancelling the purchase.
- Views over open Green Belt fields would be spoiled by the development. This would be a large development that would make a significant impact on the open character of the Green Belt.
- The facility might harbour vermin.
- More traffic will be attracted to the area. Local roads such as Elstree Road are already congested, particularly due to traffic stopping outside Immanuel College.
- People who attend equestrian events are unlikely to arrive by bus, which would be the only public transport option, and thus their cars and vehicles are likely to contribute to increased traffic congestion.
- As this would be primarily an indoor sporting facility, with the outdoor facilities being ancillary to that, this cannot be regarded as one of the exceptions that are listed as being potentially acceptable development on Green Belt land in the National Planning Policy Framework – since the listed exception refers to outdoor sporting facilities.
- The site is not previously developed land.
- Footnote 6 of the NPPF should be noted. It indicates that paragraph 11 (the presumption in favour of sustainable development) should not apply in this case, as it is Green Belt land.
- It makes no sense for this application to claim that there is a need for a new (larger) equestrian centre here, when the old one is being closed down under planning permission 16/0160/FUL (to erect new housing) which was supported by a statement claiming that there was no longer a demand for an equestrian centre here. This is an attempt to exploit and abuse the Planning system.
- There are already plenty of stables and horse riding centres in Elstree, Radlett and Bushey. They spoil the area, and it would be undesirable to have any more occupying the countryside.
- The facility will give rise to odours in the summer.
- The land should be used for the building of much-needed housing. Such a large area should not be wasted on an equestrian centre.
- The equestrian centre would be too close to the new housing that is to be built on the existing site.
- The road surface of the lane would be worn out sooner due to heavy horse box vehicles using it.
- The development would result in a loss of open land in the Green Belt.

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- It is feared that Permitted Development regulations might allow for the redevelopment of this site in the future for a residential development. This might even be a deliberate strategy – the intention might be to obtain planning permission for an equestrian centre, then sell the land to a housing developer.
- Rather than using Hillfield Lane South, a new access directly from the A41 should have been proposed.

Rosary Priory, which lies nearby to the west of the site, have written twice to object on the following grounds:

- The application should not be regarded as valid because it claims ownership of land part of which belongs to Rosary Priory. This means that the information provided in the Ownership Certificates section of the application form. (Planning officer's note: further enquiries revealed that the land in question is outside the red line denoting the application site, and therefore the question of whether it belongs to the applicant or not is irrelevant to this application).
- Information submitted in the Business Plan is incorrect as regards the accessibility of the site to public transport, and it under-estimates the number of parking spaces that would be needed. The Business Plan is inconsistent with the Transport Statement regarding the likely number of users of the facilities. As they are inconsistent, at least one of these documents must be wrong, and therefore either the development would be unviable, or else its parking provision would be inadequate and its impact on the local roads harmful.
- References in the application to a proposed small club room, small lecture room and small kitchen are misleading – they would be large. The club room (165 sqm) and the client entertaining room (147 sqm) would easily seat 100 covers in restaurant terms, and the kitchen and stores would be capable of servicing those numbers. The terraces would expand these hospitality areas further. It is feared that a bar and café might be run from the premises, similar to "Reggie's Bar and Bistro" which was run from the previous premises.
- Although flood lighting is not proposed, there will be lighting associated with car parks and also spilling out of windows. Given that the parallel application to the County Council for an outdoor crossing country training area is proposing opening hours until 9pm, such light pollution in this Green Belt land is a cause for concern.
- As there does not seem to be sufficient space for the storage of waste from horses on the site, the matter of waste disposal should be dealt with at this stage, rather than by a condition. Similarly, there is no room shown on the floorplans for waste and recycling, contrary to a statement in the application.
- The applicant's request that sewage disposal be dealt with by means of a condition should not be accepted because the nearest public sewer is some distance away on higher ground. Either a powerful pumping station or a stand-alone sewage treatment station would be required.
- This should not be regarded as one of the exceptions that are mentioned in paragraph 145b of the NPPF firstly because it would be mainly an indoor facility and therefore not primarily for outdoor recreation; and secondly because the exceptions only apply in cases where the open character of the Green Belt would be preserved but that does not apply in this case because it

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would include a large building 8m tall resembling a factory or sports centre, with paved areas and car parking, and spilling light out into the countryside after dark.

- Insufficient space would be left between the building and the boundary with land belonging to Rosary Priory to allow for the planting of screening trees there.

6.0 PLANNING POLICY CONTEXT

6.1 National Policy & Guidance

National Planning Policy Framework (NPPF) Feb 2019
Planning Practice Guidance (PPG)

6.2 The Development Plan

Adopted Hertsmere Local Plan:
Development Plan Document Core Strategy 2013
Site Allocations and Development Management Policies Plan 2016
Elstree Way Corridor Area Action Plan 2015

6.3 Supplementary Planning Guidance / Documents

Emerging Part D: Guidelines for Development (consultation draft 2016)
Parking Standards Supplementary Planning Document (2014)

7.0 ASSESSMENT AND REASONED JUSTIFICATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that '*If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material consideration indicate otherwise*'.

The proposal raises the following key issues:

7.1 Development in the Green Belt

7.2 The following excerpted text is taken from paragraphs 143 to 145(b) of the National Planning Policy Framework (February 2019):

“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any 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, is clearly outweighed by other considerations. A Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are...the provision of appropriate facilities (in connection with the existing use of the land or a change of use) for outdoor sport, outdoor recreation... as long as the

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facilities preserve the openness of the Green Belt and do not conflict with the purpose of including land within it.”

7.3 This would be a large development on open fields in a Green Belt location. The building itself would be large, and the development of the land around it for car parking, horse box and delivery vehicle parking, outdoor dressage (on a synthetically surfaced area) and an access road would all constitute development on fields that are currently open land that has never been developed before. As the land slopes down to the North-West, and as it is proposed to level the ground on which the building would stand, the result would be that the building would be partly sunk into the side of the hill, meaning that it would appear taller when seen from one side than the other. However it is not the case that views in one direction across Green Belt land are more important than views in another direction. This would be a large development on land that is currently open and undeveloped, and it would result in a significant loss of open Green Belt land, and in a significant change to the character of the land.

7.4 The proposal would constitute *inappropriate development* on open land in the Green Belt because it would be harmful to the visual amenity of the Green Belt and because it would not maintain the open character of the Green Belt. As such this proposal is contrary to Policy CS13 (The Green Belt) of the Hertsmere Local Plan: Core Strategy (adopted January 2013) and also contrary to Policy SADM26 (Development Standards in the Green Belt) of the Hertsmere Local Plan: Site Allocations and Development Management Policies Plan (adopted November 2016).

7.5 The proposal cannot be regarded as one of the exceptions that are listed in paragraph 145 of the National Planning Policy Framework (February 2019) because those exceptions apply only where the facilities would preserve the openness of the Green Belt, which would not be the case with this proposal. Arguably, there could also be a second reason (although one is enough to warrant refusal) as to why this development would not count as one of the exceptions that are listed in the NPPF, which is that those are listed as facilities that would be ancillary to *outdoor sport* and *outdoor recreation*, whereas this would primarily be an *indoor* facility, with the outdoor dressage area etc being ancillary to the indoor arena. It is true that the proposed cross country course on the other side of the lane would be an outdoor facility, but that is a separate application to the County Council, which has not yet been determined, and it is not part of this application.

7.6 The NPPF (Feb 2019) paragraphs 143-144 state that such an application (i.e. one that is not one of the listed exceptions) should not be approved except in *Very Special Circumstances*, and that those would only apply if the harm to the Green Belt by reason of inappropriateness and any other harm would be clearly outweighed by other considerations. In this case it is considered that the circumstances do not amount to such *Very Special Circumstances* as would outweigh the harm that would be caused to the open character of the Green Belt or to the visual amenity of the Green Belt.

7.7 It is also worth noting that paragraph 144 states that the *Very Special Circumstances* would have to be so special that they would not only clearly outweigh the harm to the Green Belt but also any other harm as well. In this case there would

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also be some harm caused to the setting of the nearby nationally listed building (Grade II) at Caldecote Towers (Immanuel College). See below for further details on the issue of the conservation of heritage assets and their settings.

7.8 Recent permissions to remove 3 equestrian centres in Hertsmere

7.9 In recent years the Council has granted planning permissions on at least three sites in the borough that involved closing down equestrian centres and redeveloping the sites for housing.

7.10 Caldecote Farm Equestrian Centre is the existing centre that is adjacent to this site. It is due to close by the end of March 2019, so it will have closed by the time this report is considered by the Committee. Planning permission 16/0160/FUL was granted in April 2017 for the demolition of the equestrian centre and for the erection of 9 houses. The applicant in that case was the freeholder of the site. The leaseholder was the operator of the equestrian centre, and he is the applicant for the case that is now before us, seeking to replace it with a larger purpose-built equestrian centre – not in the same location but on fields nearby.

7.11 That application (16/0160/FUL) to demolish the existing Caldecote Equestrian Centre was supported by an *Equestrian Facility Needs Assessment*, dated October 2015, by Harrison Mutch Chartered Architects, which argued that the existing Caldecote Equestrian Centre was unprofitable (or would have been if it had paid a realistic rent), and that there were numerous alternative livery facilities in the wider area, many of which had some vacancies. The Council granted the planning permission because it accepted the case that there was no need for, nor a viable future for the existing equestrian centre.

7.12 Approximately 5km from this site on the other side of the motorway is Patchetts Green, where a housing development is currently nearing completion on land that was previously the Patchetts Equestrian Centre. Planning permission 15/1433/FUL was granted for the demolition of that equestrian centre in 2016. Again the Council accepted the case that was presented with that application that there was no need or viable future for an equestrian centre on that site. Interestingly in that case (unlike the current case where they have declined to pass comment, considering it to be outside their remit) Sport England sent a detailed response stating that they did not object to the loss of the equestrian facility at Patchetts because they accepted as comprehensive and valid a report that had been submitted by Neil Allen Associates stating that the centre was no longer viable and that there were adequate alternative centres in the wider region.

7.13 Approximately 4km from the application site, just inside the borough boundary and on the outskirts of the neighbouring borough of Watford, is a newly completed housing development on the site of the former Bucks Meadow equestrian centre at 37 Bucks Avenue. Planning permission 17/1260/FUL was granted for the demolition of that equestrian centre in 2017 – again on the grounds that the Council accepted their case that there was no need or viable future for an equestrian centre there. The application was supported by a *Needs Assessment* by Continuum Sport and Leisure consultants, which concluded that there was no viable future for Bucks Meadow Riding School, that the decline in participants there had been in line with a

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general national decline in participants in equestrianism, and that there were 24 alternative facilities within a twelve mile radius at that time – 9 of which had capacity to take on new users. In the case of Bucks Meadow Riding School (as with the current application at Caldecote that is the subject of this report, but unlike the case at Patchetts) Sport England wrote that they had no comments to make as they considered the matter outside their remit.

7.14 The application that is now before us is asking the Council to reverse its position and to accept the opposite case to that which we accepted in those three previous cases. It is asserting that the arguments that were made previously were wrong, and that there is indeed a need and a viable future for an equestrian centre here; and furthermore it argues that this need is so acute that it should over-ride the harm that the development would cause to the openness and character of the Green Belt.

7.15 It is worth noting that in 2016 and 2017 the applicant in the current case could have objected to that application for planning permission to demolish his equestrian centre at Caldecote Farm if he had disagreed with the assertion that was then being made that the equestrian centre had no viable future and was not needed; but he did not do so.

7.16 Applicant's attempt to justify the development in the Green Belt

7.17 The application was accompanied by documents in support of the proposal. One of these is a *Needs Assessment*, dated December 2018, by sports planning consultants Nortoft Planning. It states that the long term decline in participation in equestrianism nationally was briefly reversed by a slight upturn in 2015-17, before declining once more from 2017. It argues that the Needs Assessments that were done previously by other consultants in support of their clients' applications in the area (e.g. at Caldecote Farm itself, at Patchetts and at 37 Bucks Avenue - see above) were faulty, and that they are now at least two years old and therefore no longer up to date, and that they focussed mainly on livery facilities, without paying proper regard to a need for training facilities. This document also disagrees with the pre-application advice that the Council sent to the applicants in this case in 2017 (17/0785/PA1) which had warned that the application was unlikely to be considered acceptable. It also disagrees with the detailed comments that were submitted by Sport England in relation to the Patchetts Equestrian Centre – arguing that Sport England were wrong in concluding in the case of the proposed closure of Patchetts that there were adequate alternative equestrian facilities in the wider area. The *Needs Assessment* report concludes that (contrary to what previous consultants and Sport England have concluded in recent cases in the area) there is a need for modern equestrian training facilities in the area, and also a need for livery facilities.

7.18 Another document that has been submitted with this application is their *Green Belt Justification And Alternative Sites Appraisal Report*, dated December 2018, by Nortoft Planning. This report states that the proposed building has been designed to the minimum possible size, given its objective of providing an indoor equestrian arena to meet the requirements of the sport's various national governing bodies, and 28 stables (although the floorplan actually shows 33 stables) which it argues are an

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essential part of the business plan, and a lecture room, club room and kitchen, and ancillary facilities and parking. The report argues that the quantum of development in this Green Belt location could not have been any smaller than is proposed without jeopardising the purpose and viability of the establishment. It is worth noting that the applicants' report is incorrect in stating that the existing equestrian centre is just outside the Green Belt – actually it is covered by the Green Belt designation.

7.19 The document makes reference to research that has been undertaken for the Council towards a possible future Green Belt review, with a view to planning for the borough's future housing growth. It attempts to argue from this that the Green Belt in this area does not fulfil its intended purpose and that development should therefore be allowed on it. However it should be noted that a decision as to whether Green Belt land should be released for development should be taken by the Council through the adoption of a Local Plan, with all the consultative and democratic checks, balances and reviews that are entailed in that process – it should not be done on an ad hoc basis through the granting of individual planning permissions.

7.20 The document contains as an appendix an *Alternative Sites Appraisal*. It argues that there are no other suitable sites with enough land for the required equestrian facilities that would be likely to be available within 35 minutes' drive of the site (although it is unclear why 35 minutes was chosen as a criterion) and which would cost less than £2m. The document concludes that the application site is the only suitable site – partly because there are no others nearby that would meet the criteria that they have set for themselves and which are not in Green Belt designations, and partly because these fields now belong to the applicant and therefore there would be no purchase cost necessary.

7.21 Another document that has been submitted in support of the application is a *Landscape and Visual Impact Assessment*, dated December 2018, by Weller Designs Ltd. This document considers whether harm would be caused to views over the Green Belt land from various vantage points. Regarding views from Immanuel School and Rosary Priory, it concludes that there would be “a minor deterioration in the view.” In section 9.2.1 it concludes that the development would be likely to cause “Medium Adverse” harm to the view over the Green Belt land of residents of Caldecote Gardens who would suffer a “noticeable deterioration in the view”. In 9.2.2 it considers the likely impact on views across the land for users of the public footpath and bridleway that runs north-west and west of the site, and it concludes that the sensitivity of this footpath is “high” because of the number of people who use it for recreation, and that the likely harm to views from this public footpath would be categorised as “High Adverse”. The fact that the applicant has submitted a document in which his own consultants concede that the development would cause harm to views over the Green Belt is a matter that should be taken note of.

7.22 The conclusion to be drawn from the above is that the proposal is *inappropriate development* within the Green Belt, which would cause substantial and significant harm to the openness and character of the Green Belt. The National Planning Policy Framework also states that other harm (besides that to the Green Belt itself) should be taken into account, and in this case there would be other harm caused, which would be to the setting of a Listed Building – see section 7.4 of this report below.

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7.23 The *Alternative Sites Assessment* that has been submitted is unconvincing, and it contradicts the previous reports and opinions that have been expressed on this matter by four qualified parties (three of which were consultants supporting other planning applications, while the fourth was Sport England who are an independent body) which have already been accepted by the Council. The letters of support that have been received from equestrian enthusiasts is noted; but the fact that those who participate in a sport might welcome additional facilities is not surprising and does not demonstrate that there is an objectively assessed or pressing need for additional facilities. Overall, and with regard to previous evidence and decisions made by the Council, officers do not feel that the application has demonstrated a need for such a facility that would clearly outweigh the harm to the Green Belt and the other harm (to the setting a Listed Building) that the development would cause.

7.24 Even if the Committee were to take the view that there might be some need for additional equestrian facilities in the area, one should bear in mind that *Very Special Circumstances* is a very high bar, and that the level of need would still fall well below it. There is nothing compelling within the submission which would lead officers to the conclusion that the facility would provide any regional or national benefits which would constitute such *Very Special Circumstances* as would outweigh the significant harms that have been identified.

7.25 Impact on Heritage Assets

7.26 The Council's heritage consultants are Place Services, who have reviewed this application and provided their comments. To summarise, they have noted that there are 3 heritage assets nearby: Caldecote Cottage (locally listed), a house named Caldecote (nationally listed Grade II) and Caldecote Towers (which is now Immanuel School but which was once part of the convent at Rosary Priory). It is noted that the *Heritage Impact Assessment* that was submitted with the application deals with only one of these: Caldecote Towers. The others should have been included, but Place Services consider that the impact of the proposed development on those would be negligible. However they do consider that the proposal would harm the setting of Caldecote Towers (Immanuel College) which is a Grade II nationally listed building.

7.27 The harm caused to the setting and views of and from Caldecote Towers, while it would be categorised as "*less than substantial*" is never the less considered unacceptable, pursuant to paragraph 193 of the National Planning Policy Framework (February 2019) which states that "great weight" should be given to the preservation (which includes the setting) of such a designated heritage asset, even when the harm would be "less than substantial". The proposal is therefore contrary to Policy SADM29 (Heritage Assets) of the *Hertsmere Local Plan: Site Allocations and Development Management Policies Plan* (adopted November 2016).

7.28 Waste and sewerage

7.29 The application has not included any proposal for storing or disposing of horse waste, which presumably would be a significant issue for an equestrian facility of this size. However, if this application were to be approved, it would be possible to

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apply a condition requiring the submission of further details on this issue before the facility is brought into use; and therefore the lack of detail on this issue is not considered to amount to a reason for the refusal of planning permission.

7.30 The proposal does not include any facilities for the disposal of sewage. This is a material issue that should be assessed at this stage (rather than being assessed subsequently by means of a condition) because the site is distant from the nearest public sewer and it is on lower ground, which makes it likely that the facilities that would be needed (whether for treating sewage on the site, or for storing it for collection on the site, or for pumping it up the hill to connect to a public sewer) would involve physical infrastructure that could constitute further inappropriate development on this open Green Belt location. As such the proposal is contrary to Policy SADM17 (Water Supply and Waste Water) of the *Hertsmere Local Plan: Site Allocations and Development Management Policies Plan* (adopted November 2016).

7.31 Surface water drainage and flood risk

7.32 Hertfordshire County Council, in their role as the Lead Local Flood Authority, have objected to this application on the grounds that it fails to demonstrate that it would make adequate provision for the sustainable disposal of surface water within the site. It is worth noting that the M1 motorway lies close to the site on lower ground, and the possibility that run-off water might affect the motorway is a concern that Highways England mentioned in their representation.

7.33 The comments that were received from the County Council's Sustainable Drainage Officer can be summarised as follows.

7.34 Having reviewed the Surface Water Management Plan & Flood Risk Assessment (version 1 dated Dec 2018) the SuDS officer objects to the proposal and recommends refusal because the information provided does not amount to a suitable basis for an assessment of the flood risks.

7.35 It is proposed to discharge surface water to an existing ditch, but that is not an ordinary watercourse. Infiltration is not suitable on this site. The application assumes that the ditch discharges into an ordinary watercourse outside the site to the west, but details of this should have been provided; without them it is impossible to assess whether a feasible discharge mechanism exists or whether flood risk would be increased in the area. The submitted modelling did not include run off from the show jumping and dressage training area, the informal parking area or internal roads, but those should have been included. As infiltration is not feasible, the entire site should have been included in the modelling.

7.36 Some of the proposed SuDS features in the submitted report are not shown on the accompanying drawing. A swale with a right angle turn is proposed, which is not considered a suitable design as it might suffer from soil erosion.

7.37 The proposal to connect the horse training water features to the surface water drainage network is cause for concern due to the risk of contamination. A foul water treatment system should be installed prior to connection with that network.

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7.38 The proposal to discharge surface water to a ditch, which it is assumed will then connect to a watercourse elsewhere is problematic because the ditch would first pass across land belonging to a third party. The land owner's agreement should have been obtained and submitted.

7.39 Details should have been submitted of how the proposed drainage scheme will be adopted and maintained for its lifetime, including a maintenance plan.

7.40 Given the objection from the Lead Local Flood Authority, the proposal is regarded as contrary to Policy SADM14 (Flood Risk) or Policy SADM15 (Sustainable Drainage Systems) of the *Hertsmere Local Plan: Site Allocations and Development Management Policies Plan* (adopted November 2016).

7.41 Car Parking and Highways Safety

7.42 Several local residents have written to express their concerns that the proposal might cause traffic congestion on the local roads. Hertfordshire County Council are the Highways Authority and their comments on this application are reproduced above in the table of consultee's responses. They did not object, writing that:

"The proposed development will generate an increase in daily vehicular trips along Hillfield Lane South. However the nature of this road and its junction with Elstree Road are expected to be capable of distributing these trips without creating significant conflicts for users of the adjacent highway."

7.43 However the County Council noted that, while they are the Highway Authority, it is for Hertsmere Borough Council to assess whether the proposed on-site parking would be adequate.

7.44 The *Parking Standards* supplementary planning document sets out minimum requirements for non-residential establishments in a table in Figure 4. The relevant use class is D2. The table does not give a figure for equestrian centres, which would fall under the heading of "*other sports and recreation uses*" that are to be assessed on a case by case basis.

7.45 The number of parking spaces proposed is 27 standard spaces, plus 4 spaces for disabled users (31 in total) and 15 spaces for large vehicles such as horse boxes or delivery vehicles. The application form states that there would be 11 full time employees.

7.46 The application is accompanied by a *Transport Statement* by Milestone Transport Planning. This estimates that the daily number of vehicular arrivals and departures from the site during the busy periods in the summer and the school holidays would be 32. This figure is predicated on the figure in the Business Plan of the estimated annual number of users being 4,256, divided by 365 and then adjusted to account for greater usage during the summer and school holidays than at other times of the year. The methodology in section 5 of the Transport Statement seems to rely heavily on assumptions, and it is predicated on a figure of 4,256 users per annum that is difficult to verify. It also fails to take account of the fact that the

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proposed club room (which would have its own kitchen and a terrace) and the lecture and client entertainment room upstairs (which is shown on the plan as having what appears to be a bar) would presumably host events that might attract fairly large numbers of visitors, who might all arrive at once.

7.47 There is no attempt in the Transport Statement at comparing the site and its parking needs with similarly sized equestrian centres in comparable locations. In the absence of an objectively verifiable assessment of the facility's parking needs, it is difficult to accept the figure that has been quoted of a maximum of only 32 trips per day during peak periods.

7.48 Another question that arises from this is that - if it were true that only 32 vehicular trips per day are envisaged for the equestrian centre - can such a large development on open land in the Green Belt be justified?

7.49 If the facility were unable to accommodate its own parking requirements the result would probably be that vehicles would park on Hillfield Lane South, which is a narrow lane that ends in a cul de sac. It is worrying to think that vehicles, having failed to park within the site, might drive up and down this narrow lane searching for a place to park, squeezing past others that have already parked at the roadside, and conflicting with vehicles coming in the other direction.

7.50 Trees, Landscape and Ecological Impact

7.51 This is a green field site that has never been developed. Inevitably, replacing virgin green-field pasture with a large building, a car park, a new access road, and a dressage area that would be covered in a synthetic surface will result in a significant loss in terms of landscape and biodiversity.

7.52 As an attempt to partially mitigate that loss, some tree planting has been proposed around the site. However a representative of Rosary Priory has pointed out in his letter of objection that there would be insufficient space for the row of trees that is shown as being proposed between the new building and the boundary with fields that belong to the Priory.

7.53 Other Matters

7.54 S106 / Planning Obligations Heads of Terms

No Section 106 planning obligation has been submitted with this application.

7.55 Community Infrastructure Levy

This is not a type of development that would be liable to pay CIL.

7.56 Equalities and Diversity

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The Equality Act 2010 came into force in April 2011. Section 149 of the Act introduced the public sector equality duty, which requires public authorities to have 'due regard' to the need to eliminate discrimination on the grounds of the relevant protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion and belief, sex and sexual orientation, and to advance equality of opportunity. In relation to this specific application due regard has been made to the protected characteristics and it is considered that there would be no adverse impact caused following this development.

8.0 CONCLUSION

8.1 The site consists of open fields in the Green Belt, which are located some distance away from the existing cluster of buildings. This is virgin green-field land that has never been developed. There are views across this land from houses, and from Rosary Priory and Immanuel School, and from a public footpath and bridleway.

8.2 Both local and national planning policies make it clear that great weight should be placed on preserving the open character of the Green Belt, and that development should not be allowed on previously undeveloped Green Belt land unless one of the exceptions that are listed in the National Planning Policy Framework apply; or unless *Very Special Circumstances* apply which would clearly outweigh both the harm to the Green Belt and any other harm. Therefore we must consider firstly whether one of the exceptions applies, and (failing that) secondly whether a *Very Special Circumstance* would apply.

8.3 Whereas the exceptions that are listed in the NPPF include *outdoor sport* and *outdoor recreation*, this would be primarily an *indoor* sport facility (the proposed cross country course on the other side of the lane is not part of this application and has not yet been approved by the County Council), and in any case the exceptions only apply when they would preserve the openness of the Green Belt, which this would not do. So this cannot be regarded as one of the exceptions that are listed in the NPPF.

8.4 The next test is whether this would amount to a *Very Special Circumstance* that would clearly outweigh the harm that would be caused to the open character of the Green Belt (and any other harm). The application has been accompanied by letters of support from several equestrian organisations including from the British Equestrian Federation; but it is unsurprising that a body that exists to promote equestrianism would be supportive of a proposal for a new equestrian facility. Sport England is a statutory consultee who would take a more objective view and they have been consulted, but they have replied that this case is outside their remit and they therefore had no comments to make. Presumably if there had been an identified acute national or regional need for such a facility they would have made a representation to that effect. Interestingly, Sport England did provide detailed comments on an application to demolish an equestrian centre nearby at Patchetts Green writing that, while regrettable, there were no grounds to insist upon its retention as it was unviable commercially and as there were alternative facilities in the wider area. The application is accompanied by documents in which the applicant's own consultants concede that there has been a long term decline in

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participation in equestrian sports generally, and that the development would cause some harm to views across the Green Belt.

8.5 In 2016-17 a planning application was submitted by the freeholder of the land on which the existing Caldecote Equestrian Centre stands to demolish it and replace it with housing. The applicant in the current case was the lessee and the operator of the centre. He did not object to that planning application to demolish his equestrian centre, and he did not take issue at the time with the Needs Assessment which accompanied that application, which argued that there was no viable future or need for an equestrian centre on the site. The Council accepted that argument and granted the permission. Two years later he has submitted an application of his own which is attempting to argue the opposite.

8.6 Numerous letters of support for the application have been received (mainly from people who live outside the borough), including one from a trainer of a national champion, and many from people who either enjoy the sport themselves, or who know those who do, or who simply feel that horse riding is a wholesome sport that ought to be encouraged. Few people would disagree with that; but it does not follow that a development ought to be allowed in this particular location – which is open fields on Green Belt land. If a new, modern, purpose-built equestrian centre were to be built in this area, the most appropriate place for it would be on the site of the existing equestrian centre, which is previously developed land that is adjacent to a built settlement – not on open countryside.

8.7 It is impossible to conclude that *Very Special Circumstances* would apply in this case, and the recommendation of this report is therefore that the application be refused.

9.0 RECOMMENDATION

Refuse permission for the following reasons:

REASONS FOR REFUSAL

Reason 1: Inappropriate development in the Green Belt

The proposal would constitute inappropriate development on open land in the Green Belt because it would be harmful to the visual amenity of the Green Belt and because it would not maintain the open character of the Green Belt. As such it is contrary to Policy CS13 (The Green Belt) of the Hertsmere Local Plan: Core Strategy (adopted January 2013) and contrary also to Policy SADM26 (Development Standards in the Green Belt) of the Hertsmere Local Plan: Site Allocations and Development Management Policies Plan (adopted November 2016). The proposal cannot be regarded as one of the exceptions that are listed in paragraph 145 of the National Planning Policy Framework (February 2019). The circumstances in this case do not amount to such “Very Special Circumstances” as would outweigh the harm that would be caused to the open character of the Green Belt, or to the visual amenity of the Green Belt, or to the setting of the nationally listed building (Grade II) nearby at Caldecote Towers (Immanuel College).

Appendix 1

Reason 2: Harm to the setting of a Listed Building

The proposal would harm the setting of a nationally Listed Building (Grade II) which is located nearby at Caldecote Towers (Immanuel College). The harm caused, while it would be “less than substantial” is never the less considered unacceptable, pursuant to paragraph 193 of the National Planning Policy Framework (February 2019) which states that “great weight” should be given to the preservation (which includes the setting) of such a designated heritage asset, even when the harm would be less than substantial. The proposal is contrary to Policy SADM29 (Heritage Assets) of the Hertsmere Local Plan: Site Allocations and Development Management Policies Plan (adopted November 2016).

Reason 3: No sewerage infrastructure included

The proposal does not include any facilities for the disposal of sewage. This is a material issue that should be addressed at this stage because the site’s location and topography make it likely that obtrusive infrastructure would be necessary to pump or otherwise store or dispose of sewage, which could constitute inappropriate development on this open Green Belt site. As such the proposal is contrary to Policy SADM17 (Water Supply and Waste Water) of the Hertsmere Local Plan: Site Allocations and Development Management Policies Plan (adopted November 2016).

Reason 4: Surface water drainage

Hertfordshire County Council, in their role as the Lead Local Flood Authority, have objected to this application on the grounds that it fails to demonstrate that it would make adequate provision for the sustainable disposal of surface water within the site. As the M1 motorway lies close to the site on lower ground, this is cause for particular concern. The proposal is therefore contrary to Policy SADM14 (Flood Risk) or Policy SADM15 (Sustainable Drainage Systems) of the Hertsmere Local Plan: Site Allocations and Development Management Policies Plan (adopted November 2016).

Reason 5: Parking

The submission fails satisfactorily to demonstrate that the development would include sufficient parking space within the site to accommodate its own needs, and that it would not be likely to result in overspill parking on local roads. As such, it is considered that the proposal does not comply with Policy SADM40 (Highway and Access Criteria for New Development) of the Hertsmere Local Plan: Site Allocations and Development Management Policies Plan (adopted November 2016).

10.0 BACKGROUND PAPERS

1. The Planning application (18/2410/FUL) comprising application forms, certificate, drawings, documents, and letters in support of the application.
2. Replies from Statutory consultees and correspondence from third parties.
3. Any other individual document specifically referred to in the agenda report.
4. Published policies / guidance

11.0 INFORMATIVES

Appendix 1

1. The planning officer's report to the Planning Committee is available to view on the Council's website. It sets out in detail how the application has been considered.
2. The Council generally take a positive and proactive approach to the determination of planning applications; but in this case, for the reasons that are set out above, it has been necessary to refuse planning permission. Detailed pre-application advice (ref. 17/0785/PA1) was provided in writing by a Principal Planning Officer on 24.07.2017 (i.e. five months prior to the submission of this application) stating that the proposal was unlikely to be considered acceptable. In providing that pre-application advice the Council has acted positively and pro-actively in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.

Case Officer:

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