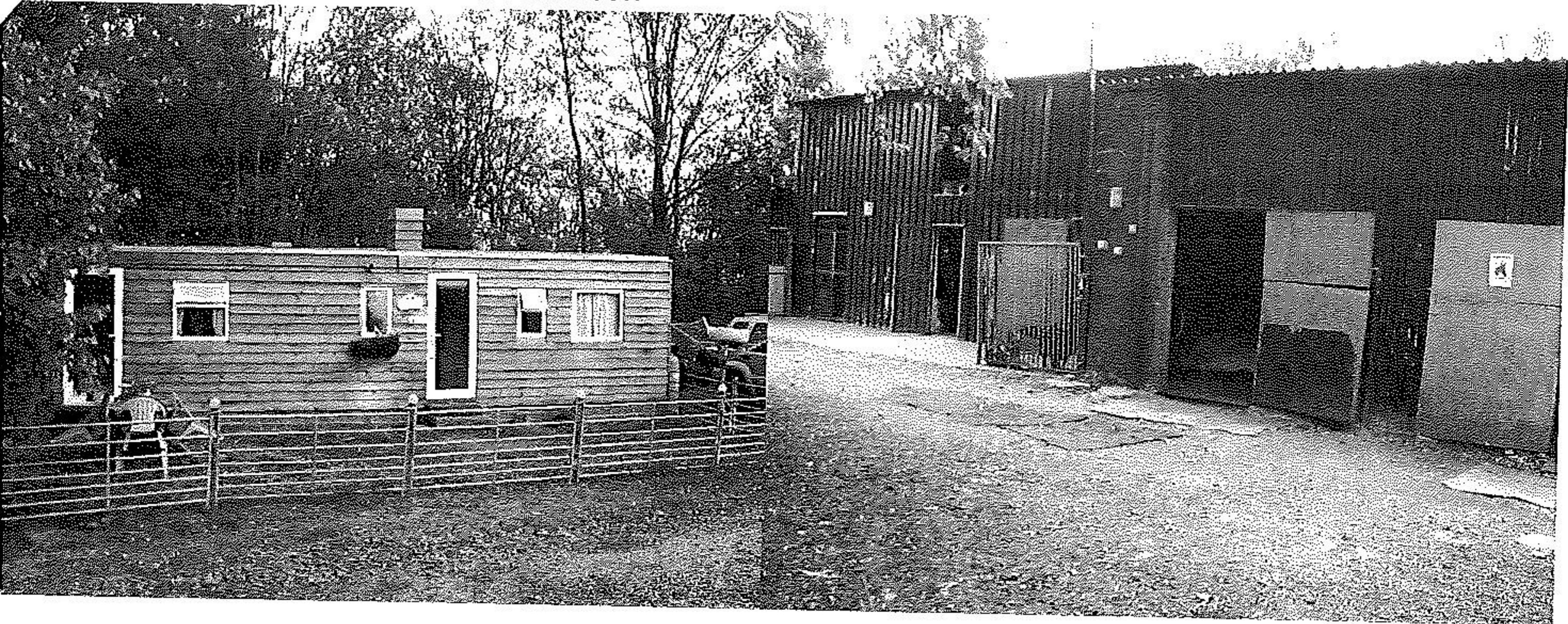


Application reference: 07/17/0350/F
Case Officer: Stuart Robinson



Application site

Woodland Stables is located to the south of Cock Lane, located to the west of Broxbourne. The site is accessed via a single lane track, which is gated at its point of connection with Cock Lane. The site is within the Green Belt and in close proximity to Broxbourne Wildlife Site.

The site was granted permission for a change of use from stables to livery yard in 2008 (reference 09/06/08). There are ten stables with adjoining paddocks and a manege on site.

The site contains a cattery, with sufficient accommodation for up to 15 cats. Although the cattery does not have planning permission, it occupies only a small section of the livery stables and is therefore regarded as ancillary to the permitted use. The cattery has a license as an animal boarding establishment.

A mobile home is currently located on site. Temporary permission for the use of the mobile home as a residential dwelling in order to have a presence on site to care for the horses and cats boarded on the site has been approved in 2013 and 2014.

Proposed Development

This application seeks to convert the existing barn to a residential (one bedroom) dwelling and to extend the dwelling to include a cattery. The cattery would contain 12 pens.

Relevant Planning History

06/1034/F - Replace existing residential mobile home with a single storey log cabin on existing footprint - application refused for the following reasons:

- 1. The proposed development would form an encroachment into the Metropolitan Green Belt, which would harm the openness of the Green Belt. The submitted very special circumstances do not outweigh the harm to the Green Belt. As such the proposal would be contrary to Policy GBC2 of the Borough of Broxbourne Local Plan Second Review 2001-2011 (December 2005) and the National Planning Policy Framework, which the above Local Plan Policy is in accordance with.*
- 2. The proposed dwelling would not meet the space requirements, in terms of dwelling, bedroom and garden sizes, within the Borough-Wide Supplementary Planning Guidance and, as such, the proposal is considered to present an unacceptable adverse impact to the amenity of residents. The proposed development is not considered to comply with Policies H6 and H8 of the Borough of Broxbourne Local*

Plan Second Review 2001-2011 (December 2005), the Technical housing standards (nationally described space standard) and the National Planning Policy Framework.

07/14/0674/F - Continuation of temporary planning permission for existing use of mobile home as a residential dwelling in conjunction with horse livery and cattery/rescue centre for a period of 3 years – Approved with a temporary permission, which expires on 30/09/2017.

07/13/0465/F - Temporary planning permission for existing use of mobile home as a residential dwelling in conjunction with horse livery and cattery/rescue centre – Approved with a temporary permission, which expired on 29th July 2014.

07/11/0981/LDC - Certificate of lawfulness for an existing use of mobile home as a residential dwelling – Refused for the following reason:

“The use of the mobile home at Woodland Stables is not considered lawful as it is not classed as an operational development, and evidence has been provided that proves the structure has not been in situ for a 10 year period”.

The decision was subject to an appeal which was dismissed.

7/0596/08/F/HOD - Change of use of stables to livery yard – Application approved.

Pre-Application Discussions

No known pre-application advice discussions.

Relevant Planning Policies

Relevant policies contained within the adopted Local Plan (2005) are:

GBC2 – Development within the Metropolitan Green Belt
GBC6 – Proposals for Non-Agricultural Uses of Green Belt Land
GBC8 – Ancillary Dwellings in the Green Belt
GBC15 – Re-use of Existing Rural Buildings
GBC19 – Protection for Sites of Wildlife and Nature Interest
HD13 – Design Principles
H6 – Protecting the Amenity of Existing Residential Areas
H8 – Design Quality of Development

The following guidance is also of relevance:

Interim Policy for Residential Car Parking Standards (Approved by P&L Committee - February 2011)
Borough-Wide Supplementary Planning Guidance (adopted 2004, updated 2013)

The above policies are considered to comply with the policies and principles of the NPPF.

Consultations and representations

Notification of this planning application was sent to 6 neighbouring properties. Following the submission of revised plans, a second round of consultation was held. A site notice was displayed on 28/04/2017 at Cock Lane. The following representations have been received:

Environmental Health – No objection, subject to conditions.

CPRE – Objects to this application as the proposal is inappropriate development within the Green Belt.

Issues

The main issues for consideration in the determination of this application are:

1. Principle of Development
2. Residential Amenity
3. Design
4. Other Matters

Appraisal

Principle of Development

Green Belt considerations

The proposed development would have two different elements; the conversion of a barn to residential and the extension of the barn to form a cattery.

Both developments would form developments within the Green Belt. The NPPF identifies that certain types of development may be appropriate within the Green Belt. Paragraph 90 of the NPPF specifically states that the re-use of buildings, provided that the buildings are of permanent and substantial construction, would be appropriate development within the Green Belt, provided the development preserves the openness of the Green Belt and does not conflict with the purposes of including land in Green Belt.

The proposed conversion of the stables to a new dwelling would form a re-use of a building. The building is a brick built structure, which is considered to be of permanent and substantial construction. The building is already surrounded by various domestic paraphernalia associated with the mobile home (which has temporary planning permission for a residential use). The conversion of this building is therefore considered to form appropriate development within the Green Belt. This conversion is also considered to comply with Policy GBC15.

The proposed cattery would extend the existing barn, to provide a bespoke facility for the existing business. The existing mobile home would be removed as a result of this proposal. The extension of the barn for a cattery would form inappropriate development within the Green Belt. The development would cause harm to the Green Belt as it would encroach into the countryside.

In order to outweigh the harm to the Green Belt, very special circumstances must be considered. Several points have been raised below.

The Cattery is an already successful business – The applicant has stated that the cattery is already on site and is a successful business. It has also been suggested that there are few catteries in the surrounding area.

The applicant has supplied accounts for both the stables and the cattery. It is noted that accounts have been submitted as part of the previous application (reference 07/16/1034/F) and the current application. Therefore, the Council has received accounts for 2014, 2015 and 2016. The accounts show that the stables and cattery businesses have, together, been operating at a profit. In 2016 the cattery business had a far greater income than the stables. In 2014 and 2015 the income from the cattery was below that of the stables.

The cattery business has not received planning permission and appears to have begun in 2013, when it formed a small part of the joint business. The accounts show that the cattery now forms the highest income-generating part of the business. The location and the number of pens does not appear to have altered since 2013. It is therefore considered that the use is lawful due to its presence for 4 years.

The business also includes stabling/livery for horses. Due to the nature of the Borough, this business can only realistically be accommodated within the Green Belt. On balance, given the combination of businesses, it is considered that they can only realistically be accommodated within a Green Belt location. Therefore, the nature

of the business, and its success in the location, is considered to have significant weight as a very special circumstance.

Safety/Security of animals - The applicant has stated that she is a fully qualified veterinary nurse, with a range of horses on site. Information has been provided to suggest that a permanent presence is required at all times to provide care and security for animals at Woodlands stables. No information has been provided regarding the need for a 24 hour presence for the livery/stables. It is also noted that, when the livery/stables was approved, there was no stated need for an on-site presence. The applicant has stated that cats are taken in that are diabetic, in addition to cats that have just had surgery. This point is noted; however it is not considered that this factor, on its own, outweighs the harm to the Green Belt.

The mobile home already has planning permission - It is noted that the mobile home has had temporary planning permission for a dwelling to be located on-site since 2013. However, these temporary permissions are restricted in order to maintain the openness of the Green Belt, once the use has finished. Whilst the removal of the mobile home would improve the character of the site, I cannot consider that this point provides any significant weight to outweigh the harm to the Green Belt.

In conclusion, the very special circumstances do not outweigh the harm to the Green Belt.

Consideration of whether the dwelling would form an isolated home in the countryside

Aside from Green Belt considerations, one must consider whether the proposal would comply with Paragraph 55 of the NPPF. This paragraph states that new isolated homes in the countryside should be avoided unless there are special circumstances outlined in the paragraph. This paragraph identifies that the essential need for a rural worker to live on site and the re-use of redundant or disused buildings (leading to the enhancement of the immediate setting) may be such special circumstances.

The applicant has stated that there is a need for an on-site presence, stating that the cattery has diabetics which have to be monitored 24 hours a day. There is also an elderly cat with renal failure that requires constant monitoring/ medication. Due to the nature of the business, and the combination of cattery/stables, the proposal is considered to comply with the definition of a "rural worker".

Therefore, the proposed dwelling is considered to comply with Paragraph 55 of the NPPF. This is however, only relevant to the business. Therefore, if the business moved elsewhere, the proposal would not comply with Paragraph 55.

Residential Amenity

The proposed development would include the conversion of the existing stables and cattery to a dwelling. The proposed dwelling would have a single bedroom and would measure 63.0 square metres in area. The bedroom would measure 15.5 square metres in area and the bathroom would measure 5.7 square metres in area.

The proposed dwelling would be located in an isolated location, situated over 50.0 metres away from the nearest residential property. Therefore, the proposal is not considered to present an unacceptable adverse impact in terms of loss of light, loss of privacy or in terms of being unduly overbearing. The proposed dwelling would not present an unacceptable level of outlook. The applicant has not identified any specific amenity space area, however, it must be noted that the site is spacious, and there has been a mobile home with temporary planning permission on site. Therefore, the proposal is considered to be acceptable in terms of amenity space.

The proposed development has been considered by Environmental Health, who has not raised an objection to either the conversion of the barn to a dwelling, or to the proposed cattery.

Due to the size of the site, and its temporary use as a residential property, the scheme is considered to be acceptable in terms of refuse and recycling storage/collection.

Design

The proposed dwelling would form a conversion of the existing cattery/stables barn. The barn would be finished with render walls, which would be compatible with the rural design of the area. The roof would be altered, as it would be constructed with a duo-pitched roof design, with a slate roof. The dwelling would have a similar size to the existing structure and would be situated within a similar location. The proposal would not be visible from Cock Lane and would be heavily screened by the surrounding trees/hedges and structures associated with the cattery/livery yard. As such, the proposed design is considered to be acceptable. The conversion is considered to comply with Policy GBC15.

The proposed cattery would be consistent with the design of the existing barn. The extension would be subservient to the existing building and the materials would match those of the proposed dwelling..

Other Matters

No other matters have been raised.

Conclusion and Recommendation

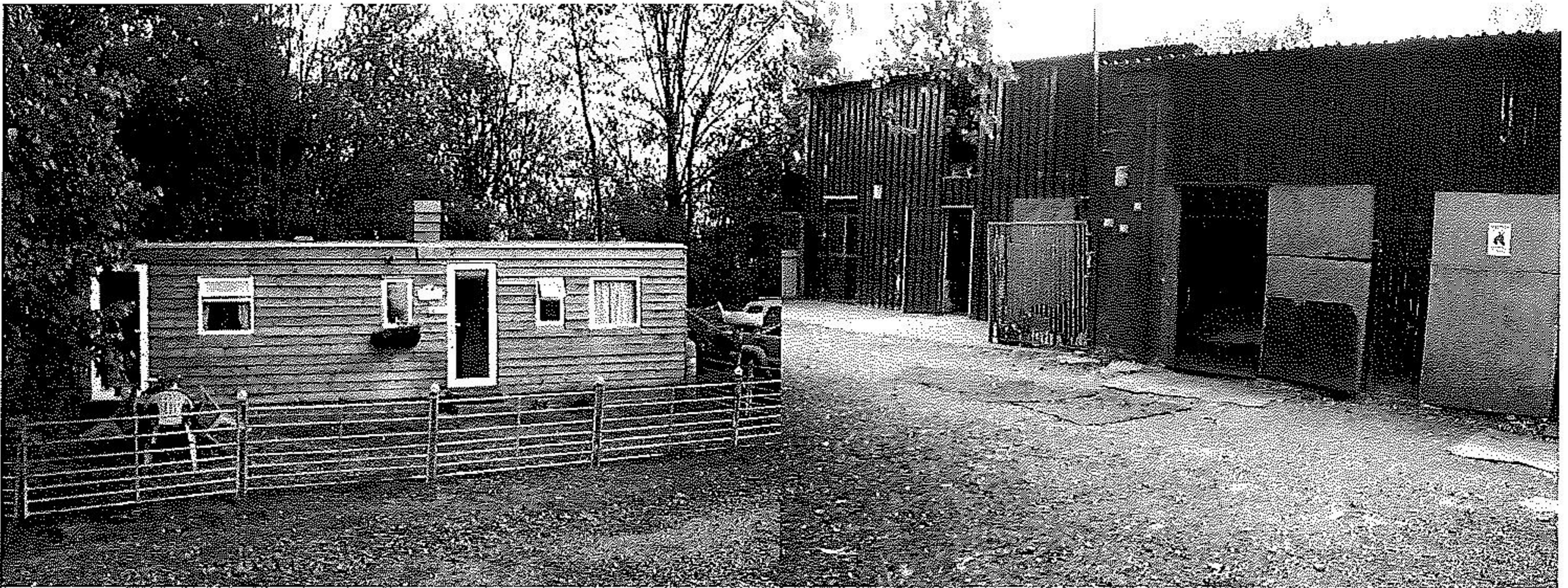
In conclusion, the proposed development is considered to be acceptable in principle, provided the use of the dwelling was tied to the business. The proposed development would be in accordance with Policies H6, H8, GBC2, GBC6, GBC8 and GBC19 of the Borough of Broxbourne Local Plan Second Review 2001-2011 (December 2005) and the NPPF. As such, the application has been recommended for approval.

Determined By:

Chairman of Planning and Regulatory Committee: Councillor A Siracusa

Development Management Service Manager: Katie Smith

Application reference: 07/17/0350/F
Case Officer: Stuart Robinson



Application site

Woodland Stables is located to the south of Cock Lane, located to the west of Broxbourne. The site is accessed via a single lane track, which is gated at its point of connection with Cock Lane. The site is within the Green Belt and in close proximity to Broxbourne Wildlife Site.

The site was granted permission for a change of use from stables to livery yard in 2008 (reference 7/596/08). There are ten stables with adjoining paddocks and a manege on site.

The site contains a cattery, with sufficient accommodation for up to 15 cats. Although the cattery does not have planning permission, it occupies only a small section of the livery stables and is therefore regarded as ancillary to the permitted use. The cattery has a license as an animal boarding establishment.

A mobile home is currently located on site. Temporary permission for the use of the mobile home as a residential dwelling in order to have a presence on site to care for the horses and cats boarded on the site has been approved in 2013 and 2014.

Proposed Development

This application seeks to convert the existing barn to a residential (one bedroom) dwelling and to convert the existing mobile home to cattery.

The cattery would contain 8 pens, which would match the existing capacity.

Relevant Planning History

07/16/1034/F - Replace existing residential mobile home with a single storey log cabin on existing footprint – Application refused for the following reasons:

- 1. The proposed development would form an encroachment into the Metropolitan Green Belt, which would harm the openness of the Green Belt. The submitted very special circumstances do not outweigh the harm to the Green Belt. As such the proposal would be contrary to Policy GBC2 of the Borough of Broxbourne Local Plan Second Review 2001-2011 (December 2005) and the National Planning Policy Framework, which the above Local Plan Policy is in accordance with.*
- 2. The proposed dwelling would not meet the space requirements, in terms of dwelling, bedroom and garden sizes, within the Borough-Wide Supplementary Planning Guidance and, as such, the proposal*

is considered to present an unacceptable adverse impact to the amenity of residents. The proposed development is not considered to comply with Policies H6 and H8 of the Borough of Broxbourne Local Plan Second Review 2001-2011 (December 2005), the Technical housing standards (nationally described space standard) and the National Planning Policy Framework.

07/14/0674/F - Continuation of temporary planning permission for existing use of mobile home as a residential dwelling in conjunction with horse livery and cattery/rescue centre for a period of 3 years – Approved with a temporary permission, which expires on 30/09/2017.

07/13/0465/F - Temporary planning permission for existing use of mobile home as a residential dwelling in conjunction with horse livery and cattery/rescue centre – Approved with a temporary permission, which expired on 29th July 2014.

07/11/0981/LDC - Certificate of lawfulness for an existing use of mobile home as a residential dwelling – Refused for the following reason:

“The use of the mobile home at Woodland Stables is not considered lawful as it is not classed as an operational development, and evidence has been provided that proves the structure has not been in situ for a 10 year period”.

The decision was subject to an appeal which was dismissed.

7/0596/08/F/HOD - Change of use of stables to livery yard – Application approved.

Pre-Application Discussions

No known pre-application advice discussions.

Relevant Planning Policies

Relevant policies contained within the adopted Local Plan (2005) are:

GBC2 – Development within the Metropolitan Green Belt
GBC6 – Proposals for Non-Agricultural Uses of Green Belt Land
GBC8 – Ancillary Dwellings in the Green Belt
GBC15 – Re-use of Existing Rural Buildings
GBC19 – Protection for Sites of Wildlife and Nature Interest
HD13 – Design Principles
H6 – Protecting the Amenity of Existing Residential Areas
H8 – Design Quality of Development

The following guidance is also of relevance:

Interim Policy for Residential Car Parking Standards (Approved by P&L Committee - February 2011)
Borough-Wide Supplementary Planning Guidance (adopted 2004, updated 2013)

The above policies are considered to comply with the policies and principles of the NPPF.

Consultations and representations

Notification of this planning application was sent to 6 neighbouring properties. A site notice was displayed on 28/04/2017 at Cock Lane. The following representations have been received:

Environmental Health – No objection, subject to conditions.

CPRE – Objects to this application as the proposal is inappropriate development within the Green Belt.

Issues

The main issues for consideration in the determination of this application are:

1. Principle of Development
2. Residential Amenity
3. Design
4. Other Matters

Appraisal

Principle of Development

Green Belt considerations

The proposed development would have two different elements; the conversion of a barn to residential and the permanent use of a residential caravan as a cattery.

Both developments would form developments within the Green Belt. The NPPF identifies that certain types of development may be appropriate within the Green Belt. Paragraph 90 of the NPPF specifically states that the re-use of buildings, provided that the buildings are of permanent and substantial construction would be appropriate development within the Green Belt, provided the development preserves the openness of the Green Belt and does not conflict with the purposes of including land in Green Belt.

The proposed conversion of the stables to a new dwelling would form a re-use of a building. The building is a brick built structure, which is considered to be of permanent and substantial construction. The building is already surrounded by various domestic paraphernalia associated with the mobile home (which has temporary planning permission for a residential use). The conversion of this building is therefore considered to form appropriate development within the Green Belt. This conversion is also considered to comply with Policy GBC15.

The proposed cattery would convert an existing mobile home, which has temporary planning permission. The mobile home is not a permanent building and, therefore, the proposed conversion to a cattery use would not benefit from any of the exceptional criteria within the National Planning Policy Framework. This development would form inappropriate development within the Green Belt. The development would cause harm to the Green Belt as it would encroach into the countryside.

In order to outweigh the harm to the Green Belt, very special circumstances must be considered. Several points have been raised below.

The Cattery is an already successful business – The applicant has stated that the cattery is already on site and is a successful business. It has also been suggested that there are few catteries in the surrounding area.

The applicant has supplied accounts for both the stables and the cattery. It is noted that accounts have been submitted as part of the previous application (reference 07/16/1034/F) and the current application. Therefore, the Council has received accounts for 2014, 2015 and 2016. The accounts show that the stables and cattery businesses have, together, been operating at a profit. In 2016 the cattery business had a far greater income than the stables. In 2014 and 2015 the income from the cattery was below that of the stables.

The cattery business has not received planning permission and appears to have begun in 2013, when it formed a small part of the joint business. The accounts show that the cattery now forms the highest income-generating part of the business. The location and the number of pens does not appear to have altered since this time. It is therefore considered that the use is lawful due to its presence for 4 years.

Whilst it is accepted that the business is profitable, this is not considered to justify very special circumstances.

Safety/Security of animals - The applicant has stated that she is a fully qualified veterinary nurse, with a range of horses on site. Information has been provided to suggest that a permanent presence is required at all times to provide care and security for animals at Woodlands stables. No information has been provided regarding the need for a 24 hour presence for the livery/stables. It is also noted that, when the livery/stables was approved, there was no stated need for an on-site presence. The applicant has stated that cats are taken in that are diabetic, in addition to cats that have just had surgery. Whilst this may be the case, it does not justify that the cattery needs to be located in the Green Belt. This point is noted; however it is not considered that this factor outweighs the harm to the Green Belt.

The mobile home already has planning permission - It is noted that the site has had temporary planning permission for a dwelling to be located on-site since 2013. However, these temporary permissions are restricted in order to maintain the openness of the Green Belt, once the use has finished. As such, I cannot consider that this point provides any weight to outweigh the harm to the Green Belt.

In conclusion, the very special circumstances do not outweigh the harm to the Green Belt.

Consideration of whether the dwelling would form an isolated home in the countryside

Aside from Green Belt considerations, one must consider whether the proposal would comply with Paragraph 55 of the NPPF. This paragraph states that new isolated homes in the countryside should be avoided unless there are special circumstances outlined in the paragraph. This paragraph identifies that the essential need for a rural worker to live on site and the re-use of redundant or disused buildings (leading to the enhancement of the immediate setting) may be such special circumstances.

The applicant has stated that there is a need for an on-site presence, stating that the cattery has diabetics which have to be monitored 24 hours a day. There is also an elderly cat with renal failure that requires constant monitoring/ medication. The running of a cattery, however, is not considered to comply with the definition of a "rural worker". It is also unclear why the stables would require a continuous on site presence. The development would not form the re-use of a redundant or disused building.

Therefore, the proposed dwelling is considered to constitute a new isolated home, without the justification of special circumstances (as stated in Paragraph 55 of the NPPF).

Residential Amenity

The proposed development would include the conversion of the existing stables and cattery to a dwelling. The proposed dwelling would have a single bedroom and would measure 63.0 square metres in area. The bedroom would measure 15.5 square metres in area and the bathroom would measure 5.7 square metres in area.

The proposed dwelling would be located in an isolated location, situated over 50.0 metres away from the nearest residential property. Therefore, the proposal is not considered to present an unacceptable adverse impact in terms of loss of light, loss of privacy or in terms of being unduly overbearing. The proposed dwelling would not present an unacceptable level of outlook. The applicant has not identified any specific amenity space area, however, it must be noted that the site is spacious, and there has been a mobile home with temporary planning permission on site. Therefore, the proposal is considered to be acceptable in terms of amenity space.

The proposed development has been considered by Environmental Health, who have not raised an objection to either the conversion of the barn to a dwelling, or to the conversion of the mobile home to a cattery.

Due to the size of the site, and its temporary use as a residential property, the scheme is considered to be acceptable in terms of refuse and recycling storage/collection.

Design

The proposed dwelling would form a conversion of the existing cattery/stables barn. The roof would be altered, as it would be constructed with a duo-pitched roof design, with a slate roof. The dwelling would have a similar size to the existing structure and would be situated within a similar location. The proposal would not be visible from Cock Lane and would be heavily screened by the surrounding trees/hedges and structures associated with the cattery/livery yard. As such, the proposed design is considered to be acceptable. The conversion is considered to comply with Policy GBC15.

The proposed cattery would form a conversion of an existing mobile home. Whilst the mobile home has temporary planning permission as a residential unit, it is considered that the retention of the caravan would not present harm to the character of the area as it would not be prominent or visible from public views.

Other Matters

No other matters have been raised.

Conclusion and Recommendation

In conclusion, the proposed development is not considered to be acceptable in principle, as it would harm the openness of the Green Belt. The proposed dwelling would also form an isolated new home in the countryside, which is discouraged in the NPPF. The proposed development would not be in accordance with Policies H6, H8, GBC2, GBC6, GBC8 and GBC19 of the Borough of Broxbourne Local Plan Second Review 2001-2011 (December 2005) and the NPPF. As such, the application has been recommended for refusal.

Determined By:

Chairman of Planning and Regulatory Committee: Councillor A Siracusa

Development Management Service Manager: Katie Smith