

INQUIRY STATEMENT OF CASE OF THE COUNCIL OF THE BOROUGH OF BROXBOURNE
(THE LOCAL PLANNING AUTHORITY)

Appeals by Mr Billy Joe Saunders

Against Enforcement Notice ENF/23/0033 issued by the LPA on 5th July 2023 in relation to the following alleged breach of planning control: Without planning permission, the change of use of the land to residential by stationing caravans and mobile homes along with associated operational development

And the refusal to grant planning permission (application reference 07/23/0119/F) for a retrospective change of use of land to residential, for members of the gypsy traveller community for 7no. static caravans, 6no. touring caravans, parking for 12 cars, hardstanding and associated development

Relating to Land at Woodland Stables, Cock Lane, Hoddesdon, Hertfordshire, EN11 8LS

PLANNING INSPECTORATE REFERENCES:

APP/W1905/C/23/3334117

APP/W1905/W/23/3327012

LOCAL PLANNING AUTHORITY REFERENCES:

ENF/23/0033

07/23/0119/F

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1. INTRODUCTION

1.1. The Enforcement Notice giving rise to this appeal was issued by Broxbourne Borough Council on 5th July 2023.

1.2. The reasons for issuing the Notice is:

It appears to the Council that the development took place within the last 4 years.

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 Chestnut Grove Local Wildlife Site (72/034) to north and east.

The site falls within 250 metre buffer around disused landfill site. The property also falls within a 100m buffer around a power line. The site is located within Flood Zone 1, which has a low probability of flooding.

An application for planning permission was submitted in March 2023 to change the use of the land to “residential, for members of the Gypsy Traveller community for 7no. static caravans 6no., touring caravans, parking for 12 cars, hardstanding, and associated development. This application (reference 07/23/0119/F) was refused on 25 May 2023 for the following reasons:

1The development does not safeguard the Green Belt countryside from encroachment. The very special circumstances do not outweigh the harm to the Green Belt in this case.

Therefore, the development is contrary to Policy GB1 of the Broxbourne Local Plan (2018 - 2033), Policy E (paragraph 16) of Planning Policy for Traveller Sites (August 2015) and the aims and objectives of the National Planning Policy Framework (July 2021).

2 There are no footways leading to the site, and the highway is subject to 60mph restricted speed limit with no street lighting and limited grass verge to walk on. Therefore, pedestrians would have to route on the carriageway, which represents a highway safety concern. The development fails to ensure that the safety of all movement corridor users is not

compromised, therefore is contrary to Policy TM2 of the Broxbourne Local Plan (2018 - 2033) and the aims and objectives of the National Planning Policy Framework (July 2021).

It has also been identified that the site has been extended to another parcel of land on Cock Lane, within the same ownership, and is linked to this existing site by a hard surfaced road. It also benefits from an access via Cock Lane. Planning permission has not been sought for this additional area and there is no reason any such application would receive a different outcome to application 07/23/0119/F.

The Council do not consider that planning conditions could overcome the objections to the development.

1.3 The appeal grounds are:

- (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged
- (b) that those matters have not occurred
- (c) that those matters (if they occurred) do not constitute a breach of planning control
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters
- (e) that copies of the enforcement notice were not served as required by section 172
- (f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters, or as the case may be, to remedy any injury to amenity which has been caused by any such breach
- (g) that any period specified in the notice in accordance with section 173(g9) falls short of what should reasonably be allowed

1.4 The application giving rise to the s78 appeal was received with sufficient particulars on 22nd March 2023 and was subsequently refused on 25th May 2023 for the following reasons:

1The development does not safeguard the Green Belt countryside from encroachment. The very special circumstances do not outweigh the harm to the Green Belt in this case. Therefore, the development is contrary to Policy GB1 of the Broxbourne Local Plan (2018 - 2033), Policy E (paragraph 16) of Planning Policy for Traveller Sites (August 2015) and the aims and objectives of the National Planning Policy Framework (July 2021).

2There are no footways leading to the site, and the highway is subject to 60mph restricted speed limit with no street lighting and limited grass verge to walk on. Therefore, pedestrians would have to route on the carriageway, which represents a highway safety concern. The development fails to ensure that the safety of all movement corridor users is not compromised, therefore is contrary to Policy TM2 of the Broxbourne Local Plan (2018 - 2033) and the aims and objectives of the National Planning Policy Framework (July 2021).

1.5 The application sought full planning permission for - Retrospective planning permission for change of use of land to residential, for members of the Gypsy Traveller community for 7no. static caravans 6no. touring caravans, parking for 12 cars, hardstanding, and associated development.

1.6 The appeals have been conjoined and are being dealt with by way of public inquiry.

2. LOCATION AND DESCRIPTION

- 2.1 Woodland Stables is located to the south of Cock Lane, located to the west of Broxbourne. The site is accessed via a single tarmacked lane, which is gated at its point of connection with Cock Lane. The site is within the Green Belt and in close proximity to Chestnut Grove Local Wildlife Site (72/034) to north and east.
- 2.2 The site contains seven static caravans and associated hardstanding accessed via the tarmacked lane to the south of Cock Lane. To the west of the site location plan red line boundary, associated with the site though not subject of this application are livery stables, 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.
- 2.3 The application site falls within 250 metre buffer around disused landfill site. The site also falls within a 100m buffer around a power line; however, the development is of low overall height level and there are no concerns raised. The site falls entirely within Flood Zone 1, which has a low probability of flooding.

3 RELEVANT PLANNING HISTORY

- 3.1 Conversion of existing barn to residential (one bedroom) dwelling and extension of barn to form a cattery (planning ref: 07/17/0350/F). Approved 20 April 2018.
- 3.2 Replace existing residential mobile home with a single storey log cabin on existing footprint (planning ref: 07/16/1034/F). Refused 10 November 2016.
- 3.3 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 (planning ref: 07/14/0674/F). Approved 12 September 2014.
- 3.4 Temporary planning permission for existing use of mobile home as a residential dwelling in conjunction with horse livery and cattery/rescue centre (ref: 07/13/0465/F). Approved 29 July 2013.
- 3.5 Certificate of lawfulness for an existing use of mobile home as a residential dwelling (ref: 07/11/0981/LDC). Refused 10 February 2012), appeal dismissed 13 May 2013.
- 3.6 Change of use of stables to livery yard (ref: 7/0596/08/F/HOD). Approved 6 October 2008.
- 3.7 Agricultural workers dwelling (ref: 7/645/1983). Refused 1993.

4. RELEVANT PLANNING POLICIES

4.1 The Borough of Broxbourne Local Plan (2018-2033) is a material consideration and, as such, is a relevant planning document in this appeal. The relevant Policies within this document are:

GB1 - Green Belt

GT1 - Gypsy and Traveller Sites

DSC1 - General Design Principles

NEB1 - General Strategy for Biodiversity

NEB2 - Wildlife Sites

NEB5 - Ancient Woodland, Protected Trees and Hedgerows

EQ1 - Residential and Environmental Quality

EQ3 - Lighting

TM2 - Transport and New Developments

TM3 - Access and Servicing

TM4 - Electrical Vehicle Charging Points

TM5 - Parking Guidelines

4.2 The National Planning Policy Framework (NPPF) is also a material consideration in this appeal and underpins the aims and objectives of the Local Plan Policies, identified in paragraph 4.1 above. As such, these policies are considered to comply with the policies and principles of the NPPF and the National Planning Policy Guidance. Also relevant is Planning Policy for Traveller Sites.

4.3 The Borough Wide Supplementary Planning Guidance (SPG) (adopted 2004, updated 2013) is also relevant in this case as it provides design guidance for all forms of development. Further material considerations include the Borough of Broxbourne Gypsy and Traveller Accommodation Assessment (April 2017), the Planning Inspectorate Report on the Examination of the Broxbourne Local Plan (14 April 2020) and the Broxbourne Waste Supplementary Planning Guidance (August 2019).

5 The Council's Case

5.1 The appellant is appealing under grounds (a), (b), (c), (d), (e), (f), and (g).

Ground (a)

5.2 The ground (a) appeal largely mirrors that in the linked s78 appeal and the arguments contained therein are dealt with by the Statement of Louise Hart which has already been submitted to the Inspector and which should be read-in here.

5.3 There is, therefore, no benefit in repeating those arguments here.

Ground (b)

5.4 The Council has issued the Notice in respect of the land subject to planning application 07/23/0119/F, the wider site and an access road.

5.5 The Inspector is directed to the aerial photographs of the site taken by the Council (Appendix 1) which show the site clearly as being part and parcel of the same development as shown in the plan accompanying the Enforcement Notice.

5.6 The Appellant states that this is not the case but has provided no detail of the reason for the access or hard surfacing.

5.7 The cattery use referred to by the Appellant did include an associated residential use. However, this use was subject to conditions requiring the removal of an existing caravan and was limited to a one-bedroom dwelling. The Inspector is directed to the Officer Report and Decision Notice from planning permission 07/17/0350/F at Appendices 2 and 3 respectively.

5.8 In addition, the Section 106 Agreement attached to that same permission, provided at Appendix 4, states at Clause 4

The Owner covenants with the Council that the occupation of the one bedroom dwellinghouse (the subject of the Application) shall be limited to a person solely or mainly employed at the Owner's related cattery business (also the subject of the Application) and his or her spouse/partner who may only occupy the dwellinghouse for so long as that person is so employed.

5.9 The cattery is no longer in operation and as such any residential occupation is contrary to Clause 4 and in breach of planning control.

5.10 On that basis, the Council considers the ground (b) appeal should fail.

Ground (c)

5.11 The photographs at Appendix 1 show the breach of planning control clearly.

5.12 The Google Earth images at Appendix 5 provide a clear demonstration of the land prior to the development subject of this appeal took place.

5.13 A comparison of these images shows the extent of the operational development that has taken place and the planning history, particularly in relation to 07/17/0350/F, demonstrates that the associated use is a breach of planning control.

Ground (d)

5.14 The use of the site as alleged in the Enforcement Notice is not lawful through the passage of time.

5.15 As detailed in the response to the ground b) appeal, the previous residential use was tied to the cattery. The Section 106 at Appendix 4 demonstrates that this is the case.

5.16 The use by the Appellant has not taken place for a sufficient period to be lawful.

5.17 In addition, the aerial photographs at Appendices 1 and 5 show the development of the site which further disprove the Appellant's claim.

5.18 This is further supported by the site photographs at Appendices 6 and 7 which show the difference in the site between the previous use and the current use.

5.19 The previous, lawful, use has been replaced entirely with this new use and the Council has seen no suggestion or evidence that the previous use continues. There is no current license for cattery or livery uses with the Council's Environmental Health team further suggesting that these uses have ceased and have been replaced by the new, unauthorised use.

5.20 Based on the above, the Council considers that the ground (d) appeal should fail.

Ground (e)

5.21 The Council issued the Notice by hand and recorded delivery to all known landowners as shown on the Enforcement Notice, including those identified in the application made by the Appellant, which is also subject of this appeal.

5.22 The Council also displayed a copy of the Notice on the entrance gates as shown in the photograph at Appendix 8 and the Certificate of Service at Appendix 9 in order to ensure any other parties were made aware of the Notice.

5.23 The Appellant has not identified who has been excluded from service.

5.24 The Council considers that it has taken all reasonable steps to ensure service to the relevant parties and as such the ground (e) appeal should fail.

Ground (f)

5.25 The Council does not accept that the buildings and hard surfacing are lawful. The aerial images at Appendices 1 and 5 along with the site photographs in Appendices 6 and 7 demonstrate the buildings and hard surfacing are new development.

5.26 The application referenced by the Appellant, 07/14/0674/F, was a temporary permission expiring in 2017. The caravan was, after this date, no longer lawful and should have been removed. It was also a personal permission for the benefit of the previous applicants. The Appellant, cannot, therefore rely on that permission. The Decision Notice for this permission is provided at Appendix 10.

5.27 On that basis, the Council considers that the ground (f) appeal should fail.

Ground (g)

5.28 The Council does not accept that 2 years is a reasonable timescale for compliance with the Enforcement Notice as this is, in effect, a temporary planning permission.

5.29 The Appellant's reasons for requesting this length of time is, essentially, their ground (a) appeal and, as such, there is no intention to repeat these arguments here

5.30 The Council considers that a temporary permission would not overcome the objections to the development and as such the ground (g) appeal should fail.

6 CONCLUSION

6.1 In relation to the ground a) and Section 78 appeals In conclusion, for the reasons detailed above, the Council considers the development conflicts with Policies GB1 and TM2 of The Broxbourne Local Plan 2018-2033, adopted June 2020, Policy E (paragraph 16) of Planning Policy for Traveller Sites (August 2015) and the aims and objectives of the National Planning Policy Framework. In light of the above appraisal, the Council maintains that the reasons for the refusal are sound planning grounds, as supported within this statement. The Inspector is respectfully asked to support the Council's adopted policies and those relevant at the time of the application that are also underpinned by the NPPF, by dismissing this appeal in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004.

6.2 Without prejudice to the above, in the event that the Inspector determines that planning permission should be granted, they are requested to consider the imposition of the conditions set out in Section 7 below

7 SUGGESTED CONDITIONS

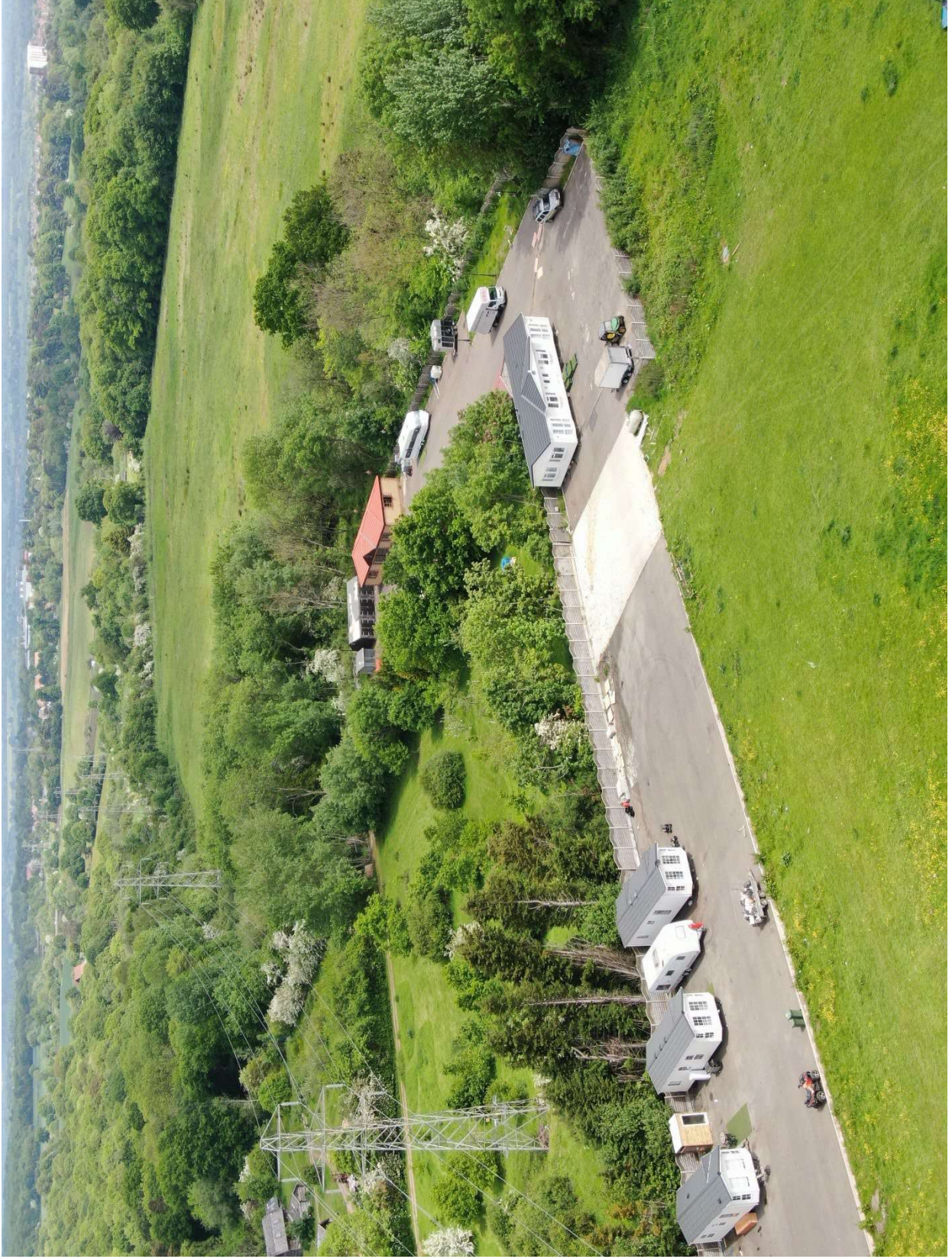
7.1 Should the Inspector be minded to allow the appeal and grant planning permission, it is requested that the conditions suggested in the Statement of Louise Hart are included within that permission.

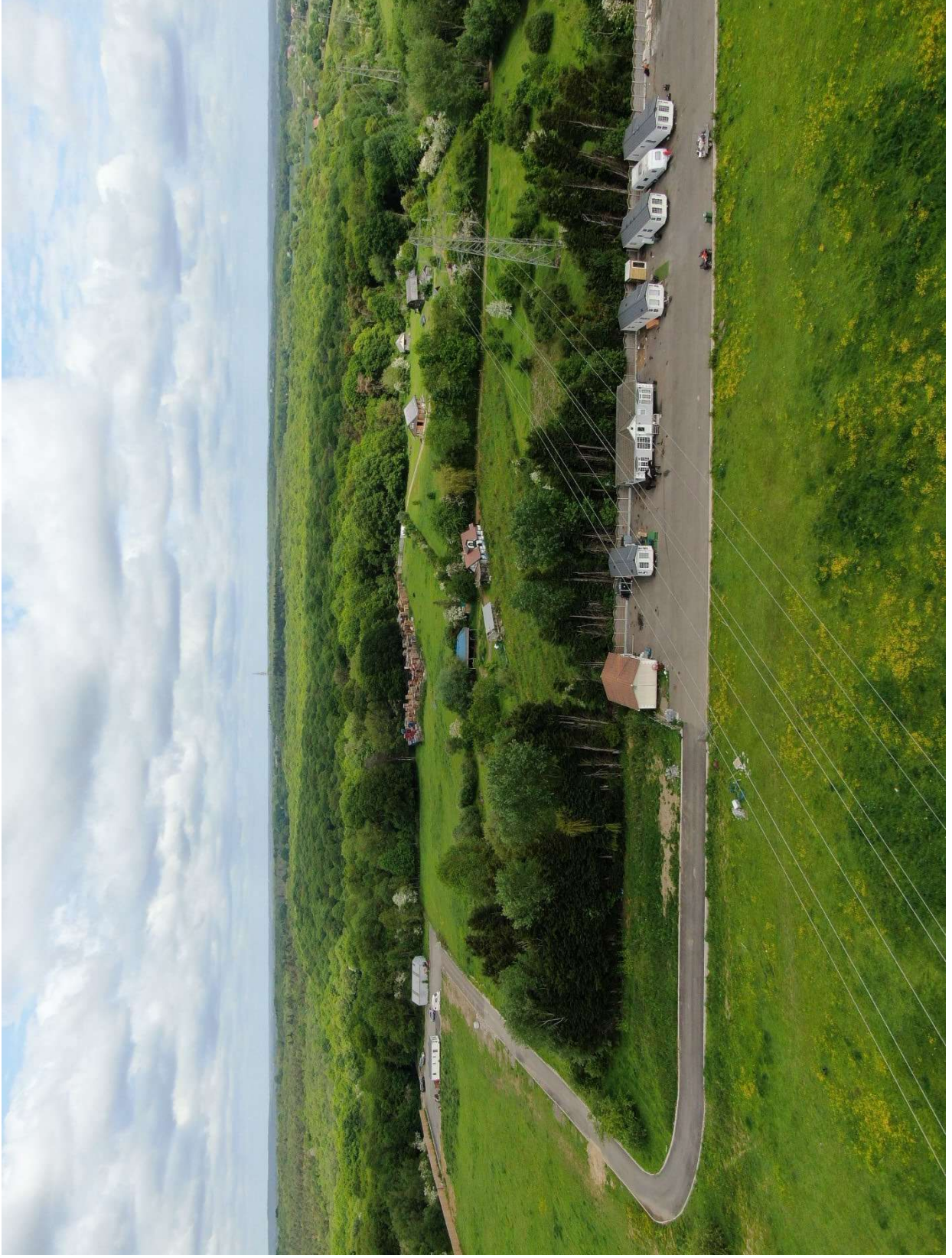
Laura White

Senior Planning Compliance Officer

For and on behalf of Broxbourne Borough Council

January 2024

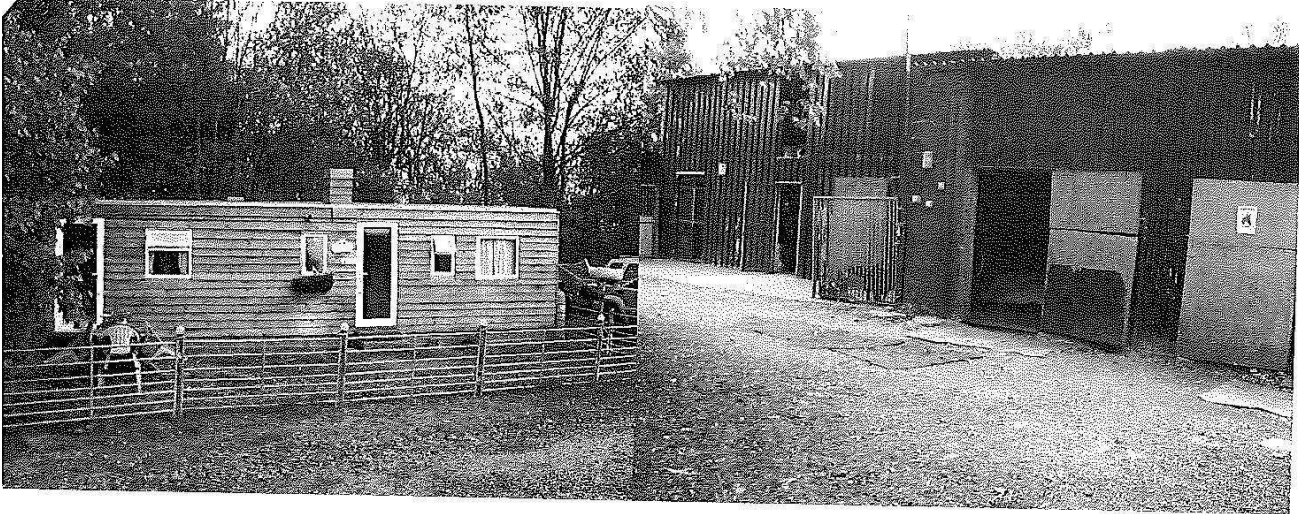








Application reference: 07/17/0350/F
Case Officer: Stuart Robinson



Application site

Godland 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 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

The application seeks to convert the existing barn to a residential (one bedroom) dwelling and to extend the site 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

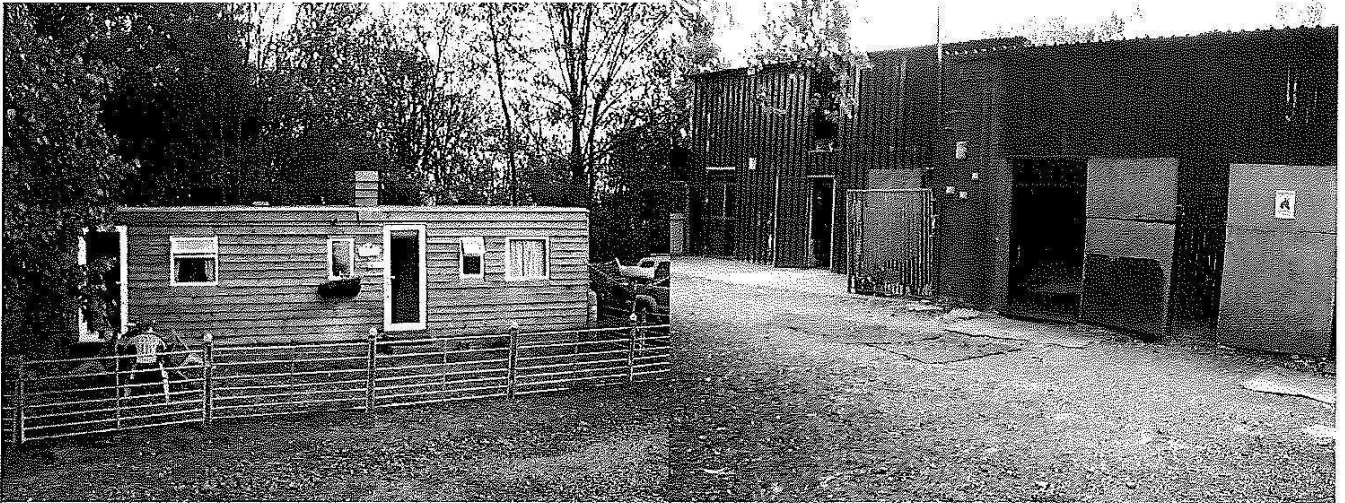
In conclusion, the proposed development is considered to be acceptable in principle, provided the use of the dwelling was tied to the business. The proposed development would be in accordance with Policies H6, H8, GBC2, GBC6, GBC8 and GBC19 of the Borough of Broxbourne Local Plan Second Review 2001-2011 (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.

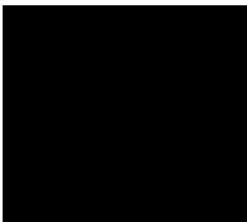
Determined By:

Chairman of Planning and Regulatory Committee: Councillor A Siracusa

Development Management Service Manager: Katie Smith

TOWN AND COUNTRY PLANNING ACT, 1990

Reference No: 07/17/0350/F



Description of Development: Conversion of existing barn to residential (one bedroom) dwelling and extension of barn to form a cattery

Location of Development: Woodland Stables Cock Lane Hoddesdon Hertfordshire EN11 8LS

In pursuance of its powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council **HEREBY PERMITS** the development proposed by you in your application dated, 06/03/2017 and received with sufficient particulars on 07/04/2017.

The Council's resolution to come to this decision was based on an assessment of compliance with relevant policies in the development plan, taking into account all material considerations, and shown on the plan(s) accompanying such application, **SUBJECT TO THE FOLLOWING CONDITIONS:-**

- 1 The development to which this permission relates shall be begun within a period of 3 years commencing on the date of this notice.
Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 The proposed development shall be finished with natural render walls, antique red (Santoft) roof tiles, matching those identified on drawing numbers 1702-2/3 Rev. A and 1706-3/6 Rev. A
Reason - To secure a satisfactory external appearance, in accordance with Policies HD13 and H8 of the Borough of Broxbourne Local Plan Second Review and the Borough-Wide Supplementary Planning Guidance.
- 3 Notwithstanding the provisions of Article 3 of the Town and Country Planning General Permitted Development Order 2015 (or any Order revoking or re-enacting that Order), no development of the types described in Part 1, Class A, B, C, D and E of Schedule 2, other than that hereby permitted, shall be undertaken.
Reason - A more intensive use of the site would be likely to adversely affect the appearance and character of the area and would likely harm the openness of the Green Belt in accordance with Policies GB2, HD13 and H8 of the Borough of Broxbourne Local Plan Second Review, the NPPF and the Borough-Wide Supplementary Planning Guidance.

- 4 The development hereby permitted shall be carried out and completed in accordance with the proposals contained in the application and drawing numbers 1702-2/1 Rev. A, 1702-2/3 Rev. A and 1706-3/6 Rev. A, submitted therewith.

Reason - To ensure the development is carried out as permitted.

- 5 Prior to the commencement of the development, hereby approved, a scheme to address the risks associated with the contamination of the site shall be submitted to the Local Planning Authority for approval in writing. The scheme shall include:

- A) A Phase 1 Desk Study
- B) A Phase 2 - Site Investigation
- C) A Remediation Strategy
- D) A Verification/Validation Report

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This condition is in accordance with Policy H6 of the Local Plan Second Review 2001-2011, the NPPF, the council's adopted supplementary planning guidance. This information is required prior to commencement as the development, due to possible contamination risks, may have a harmful or adverse impact to human habitation.

- 6 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. Once such risks are identified, an investigation and risk assessment must be submitted to the Local Planning Authority for approval in writing. The assessment must be undertaken in accordance with the approved details. Where remediation is necessary, a remediation scheme must be submitted to the Local Planning Authority for approval in writing. Following completion of measures identified in the approved remediation scheme, a verification report shall be submitted to the Local Planning Authority for approval in writing. The development, and the approved remediation scheme and verification report, shall be implemented in accordance with the approved details.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In accordance with Policy H6 of the Local Plan Second Review 2001-2011, the NPPF and the council's adopted supplementary planning guidance.

- 7 In the event that soil is imported from an outside site, details shall be submitted to the Local Planning Authority for approval in writing. The details should state that any imported topsoil, is certified as suitable for domestic use, prior to the first site usage.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In accordance with Policy H6 of the Local Plan Second Review 2001-2011, the NPPF and the council's adopted supplementary planning guidance.

- 8 Upon occupation of the approved residential unit, the existing caravan, as shown on drawing number 1702-2/1 Rev. A, shall be removed from the site.

Reason - The use of the residential, coupled with the approved development, would harm the openness of the Green Belt and the rural character of the area. The condition would therefore be in accordance with Policies GBC2, H6, H8, HD13, HD14 and HD16 of the Borough of Broxbourne Local Plan Second Review 2001-2011 (December 2005) and the NPPF.

The Local Planning Authority has been positive and proactive in considering this planning application. The development maintains/improves the economic, social and environmental conditions of the Borough.

INFORMATIVES:

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

2. The Applicant's attention should be drawn to the permitted times for noisy construction, demolition and alteration works that are audible at or beyond the site boundary, which should only be carried out between the hours of:

- 8:00 am and 6:00 pm Mondays to Fridays
- 8:00 am and 1:00 pm Saturdays
- and at no time on Sundays and Public Holidays

Exceptions to the above times will be allowed in emergencies.



Signed:.....
Head of Planning and Development
DC1001MW

Dated: 20 April 2018

NOTE

This DOES NOT constitute Building Regulation Approval. If you are unsure whether you should submit a Building Regulation application prior to starting work please contact Building Control on 01992 785566.

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State via the Planning Inspectorate under Section 78 of the Town and Country Act 1990.
- If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at www.planningportal.gov.uk/pcs
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council of the District or London Borough in which the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Act 1990.

Compensation

- In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.
- These circumstances are set out in Sections 114 and related provisions of the Town and Country Act 1990.

Dated

12 APRIL

2018

ALAN FREDERICK BARNES and ANNE BARNES

and

LLOYDS BANK PLC

UNILATERAL UNDERTAKING

PURSUANT TO SECTION 106 TOWN AND COUNTRY PLANNING ACT 1990

Re: Land at Woodland Stables Cock Lane Hoddesdon EN11 8LS

Ref: 07/17/0350/F
10/3/13/961

THIS DEED is made the 12 day of APRIL

2018

BY

1. ALAN FREDERICK BARNES and ANNE BARNES "the Owner" of the first part and
2. LLOYDS BANK PLC(Company No. 2065) "the Mortgagee" of the second part

DEFINITIONS

(1) Wherever the context so permits the following words and phrases shall have the following meanings :-

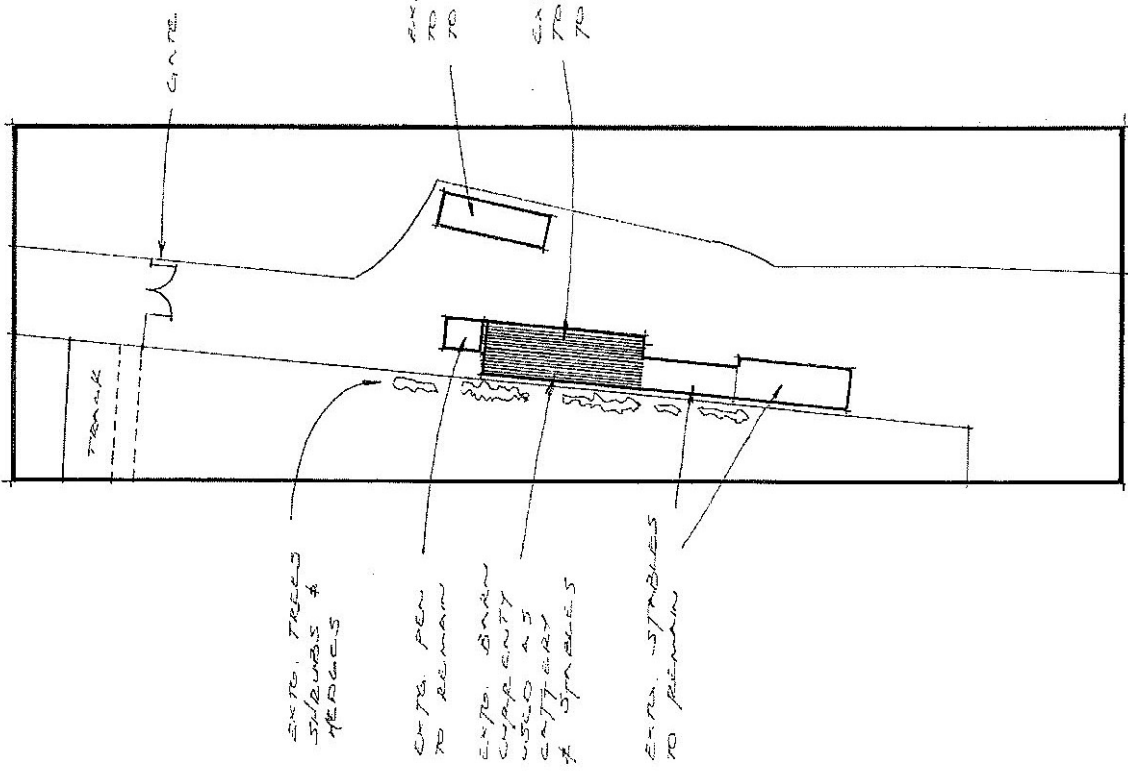
"the Act"	The Town and Country Planning Act 1990
"the Application"	The planning application made by or on behalf of the Owner and dated 6 th March 2017 bearing the Local Authority reference number 07/17/0350/F
"the Council"	The Council of the Borough of Broxbourne and its successors in title
"the Development"	The development of the Land with the conversion of the existing barn to residential (one bedroom) dwelling and extension of barn to form a cattery
"the Land"	Land known as Woodland Stables Cock Lane Hoddesdon EN11 8LS shown edged red on the plan appended
"Planning Challenge"	An application under Part 54 of the Civil Procedure Rules 1998 to the grant of the Planning Permission lodged within 6 weeks of the date of grant thereof

"the Planning Permission" The permission to be granted by way of approval of
the Application

- (2) Where the context so admits:-
- (a) words of the masculine gender shall incorporate the feminine and neuter genders and words of the singular shall include the plural and vice versa and words denoting actual persons including companies, corporations and firms and all such words shall be construed interchangeable in that manner
 - (b) the reference to any statute or section of a statute includes any statutory re-enactment or modification
 - (c) Wherever there is more than one person named as a party and where more than one party undertakes an obligation all their obligations can be enforced against all of them jointly and against each individually unless there is an express provision otherwise
 - (d) Reference to any party to this Unilateral Undertaking shall include the successors in title to that party and to any deriving title through or under that party and in the case of the Council the successors to it functions as local planning authority

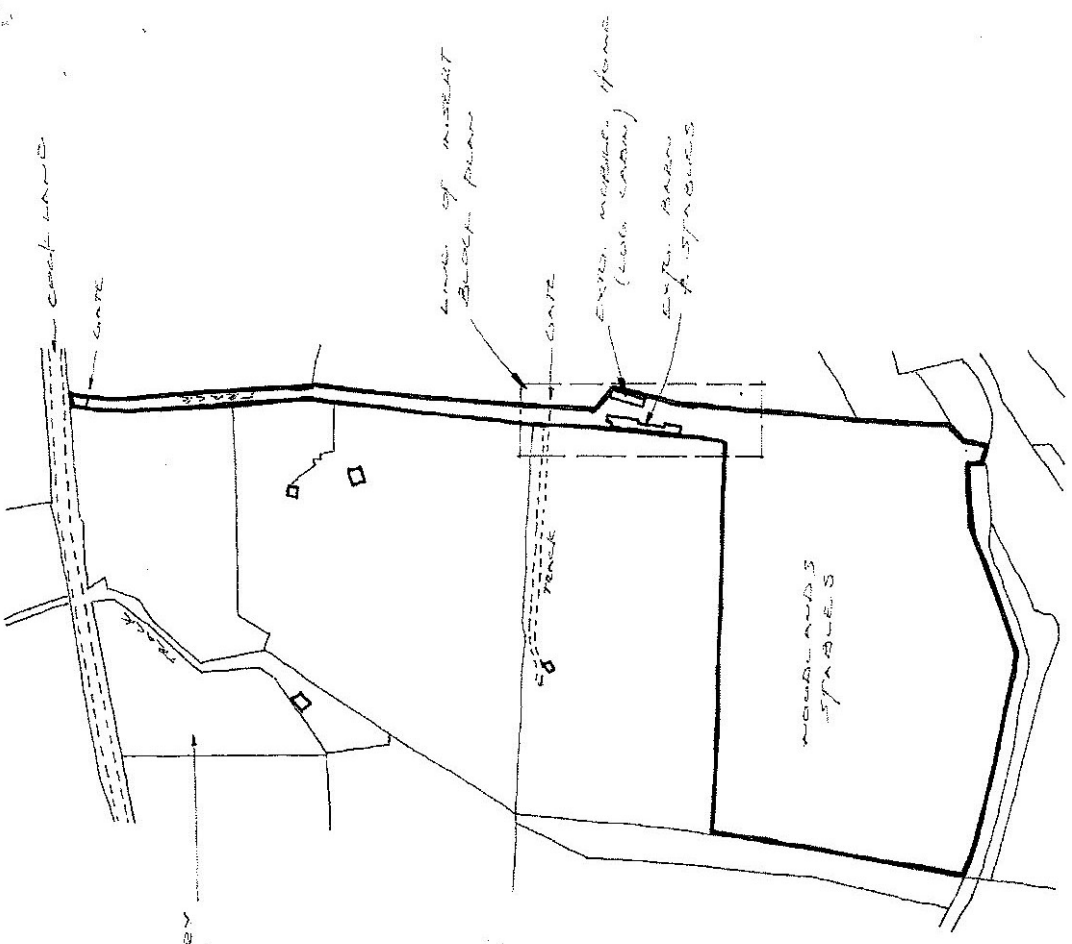
WHEREAS:-

- (1) The Council is the Local Planning Authority for the purposes of the Act for the area which includes the Land
- (2) The Owner is the registered proprietor of the Land which is registered at HM Land Registry under Title Number HD165740 and the Mortgagee is similarly registered as the proprietor of a charge over the Land
- (3) The Owner has submitted to the Council the Application seeking planning permission for the Development



SCALE 1:500 @ A3

PROPOSED BARN CONVERSION AT 1500



SCALE 1:250 @ A3

PROPOSED LOCATION/SITE PLAN 1500

DWG. NO. 1702-2/1 (A3)

PROPOSED BARN CONVERSION AT WOODLANDS STABLES, COCK LANE, HODDERSLOW, HEEDS EN110LS

- (4) The Mortgagee has consented to the Owner entering into the obligation contained in this deed.

NOW THIS DEED WITNESSETH as follows:-

1. **THIS DEED** is executed pursuant to Section 106 of the Act, Section 111 of the Local Government Act 1972 and all other enabling powers and the obligation contained in this Deed shall be enforceable against the Owner and his successors in title and any person claiming through or under the Owner to the Land or any part of the Land as if that person had also been an original party for the interest held by him PROVIDED THAT the Owner and his successors in title and any person deriving title under him shall not be liable for any breach of this covenant occurring after he shall have parted with his interest in the Land but without prejudice to liability for any breach subsisting prior to parting with such interest
2. The Council shall be responsible for enforcing the obligation contained in this Deed.
3. With the exception of clauses 6 and 7 this Deed shall not come into effect until the date of grant of the Planning Permission.
4. The Owner covenants with the Council that the occupation of the one bedroom dwellinghouse (the subject of the Application) shall be limited to a person solely or mainly employed at the Owner's related cattery business (also the subject of the Application) and his or her spouse/partner who may only occupy the dwellinghouse for so long as that person is so employed
5. On execution of this Deed the Owner agrees to pay the Council's legal costs in connection with the execution of this deed and the duplicate in the sum of **ONE HUNDRED AND SEVENTY FIVE POUNDS (£175.00)**


6. In the event of a Planning Challenge by any person other than the Owner the provisions of this Deed shall be suspended and all works associated with the Development shall cease immediately and no further works shall be undertaken until the final determination of the Planning Challenge and where the Planning Permission is quashed on the final determination this Deed shall have no further force and effect and the Owner shall reinstate the Land to a condition acceptable to the Council
7. The Mortgagee acknowledges and declares that this Deed has been entered into by the Owner with its consents and that notwithstanding Section 104 of the Law of Property Act 1925 its interest in the Land shall be bound by the terms of this Deed as if it had been executed and registered as a Land Charge prior to the Mortgagee's interest having been created
8. The Owner makes application to the appropriate Registrar of Local Land Charges for registration of this Deed pursuant to the provisions of the Local Land Charges Act 1975.
9. The Owner acknowledges and declares that:-
 - (a) this Deed does not nor is intended to confer a benefit on a third party within the meaning of the Contracts (Rights of Third Parties) Act 1999
 - (b) The Owner and the Mortgagee together have the sole proprietary interest in the Land and that there are no third party interests which would require any other party to give this Unilateral Undertaking
 - (c) Nothing in this Deed shall be construed as imposing a contractual obligation upon the Council as to the issue of the Planning Permission or as restricting the exercise by the council of any power or function exercisable under the Act

- (d) The Owner will give the Council immediate written notice of any change in ownership of any of its interests in the Land such notice to give details of the transferee's full name and registered office (if a company) or usual address (if not) together with a plan of the area of the Land so transferred

EXECUTED and DELIVERED as a Deed on the date of this document

Executed as a Deed by the said }
ALAN FREDERICK BARNES }
in the presence of



Witness signature 

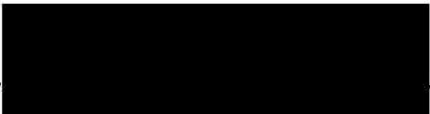
Witness name LISA FLANDERS

Address 127 DONATION CLOSE, CHURCH LANGLEY,
HARLOW, ESSEX CM17 9RL

Occupation LEGAL SECRETARY

Executed as a Deed by the said }
ANNE BARNES }
in the presence of



Witness signature 

Witness name LISA FLANDERS

Address 127 DONATION CLOSE, CHURCH LANGLEY,
HARLOW, ESSEX CM17 9RL

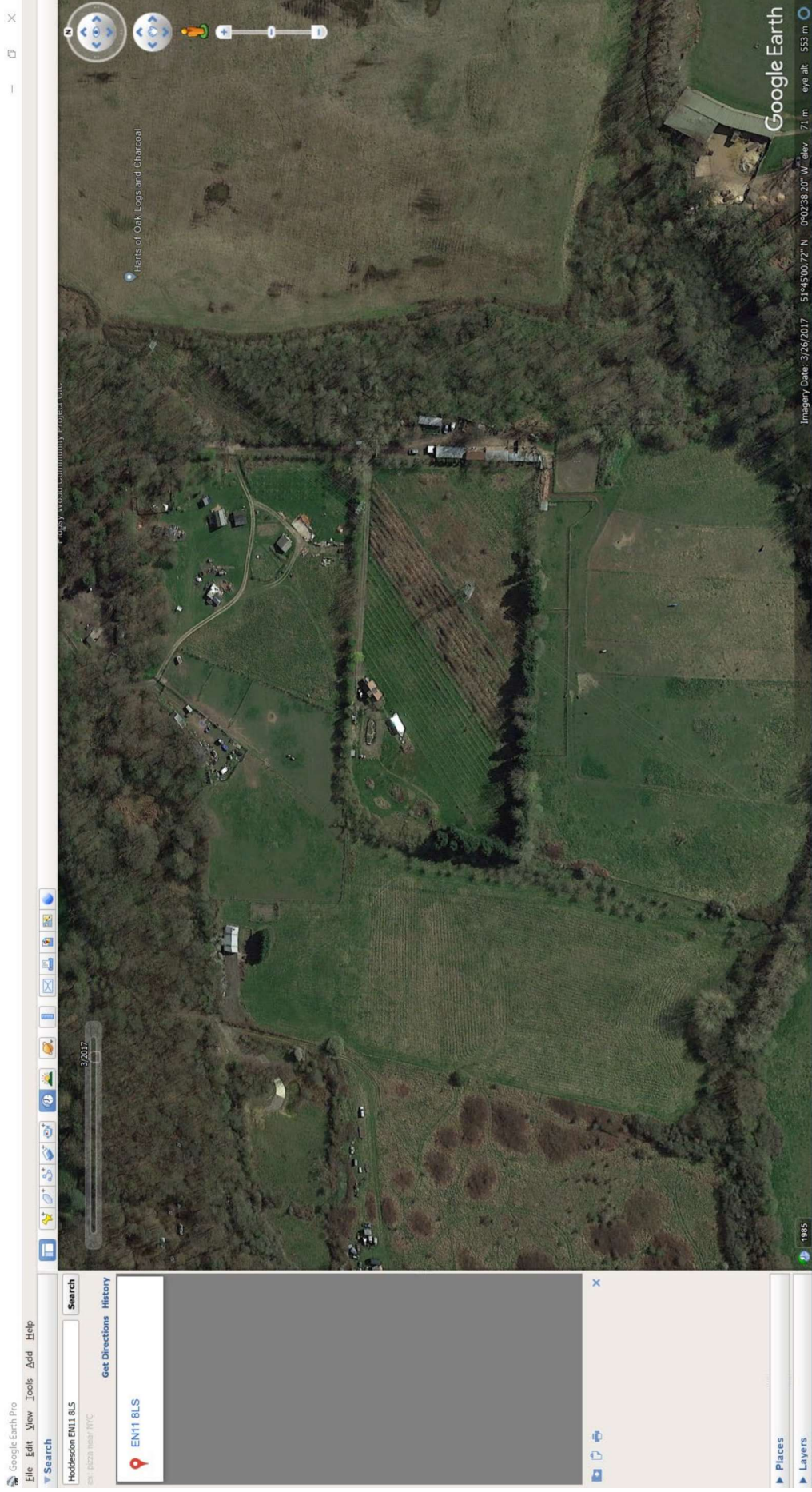
Occupation LEGAL SECRETARY

Appendix 5

APP/W1905/C/23/3327010

APP/W1905/W/23/3327012

2017

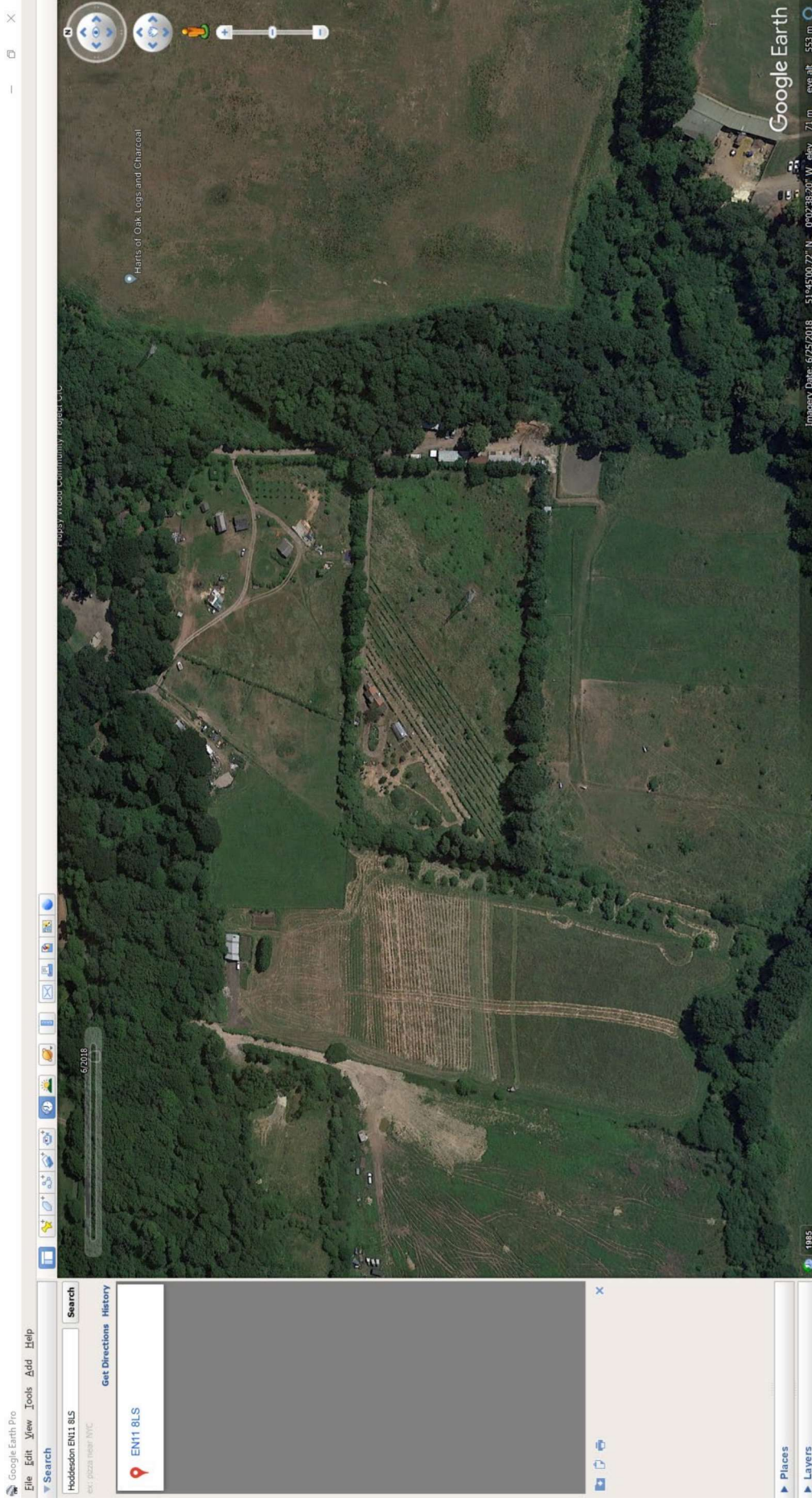


Appendix 5

APP/W1905/C/23/3327010

APP/W1905/W/23/3327012

2018

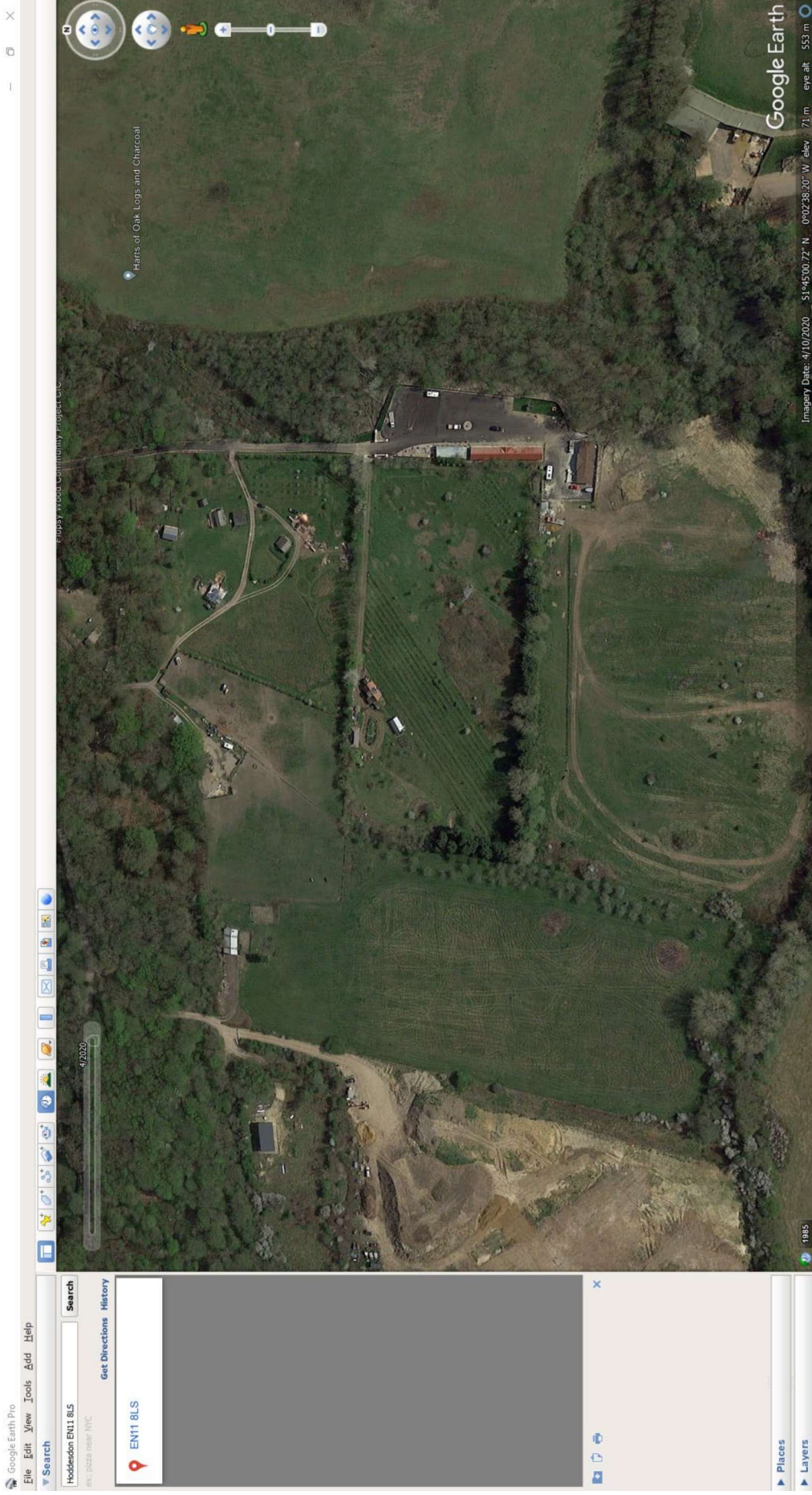


Appendix 5

APP/W1905/C/23/3327010

APP/W1905/W/23/3327012

2020



























TOWN AND COUNTRY PLANNING ACT, 1990

Reference No: 07/14/0674/F

Mr & Mrs Alan & Anne Barnes
Mobile Home
Woodland Stables
Cock Lane
Hoddesdon
Hertfordshire
EN11 8LS

Description of Development:
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

Location of Development:
Mobile Home, Woodland Stables, Cock Lane, Hoddesdon,
Hertfordshire, EN11 8LS

In pursuance of its powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council **HEREBY PERMITS** the development proposed by you in your application dated, 28/07/2014 and received with sufficient particulars on 28/07/2014.

The Council's resolution to come to this decision was based on an assessment of compliance with relevant policies in the development plan, taking into account all material considerations, and shown on the plan(s) accompanying such application, **SUBJECT TO THE FOLLOWING CONDITIONS:-**

1 That this permission shall be for a limited period expiring on 30/09/2017 and that the use hereby permitted shall be discontinued on or before that date and any buildings and works carried out under this permission removed and the land reinstated to its condition before the development took place.
Reason -

1. To enable the Local Planning Authority to review the situation in the light of the circumstances then pertaining.
2. To enable the Local Planning Authority to retain control over this structure which is constructed of short-lived materials which may deteriorate to the detriment of the visual amenities of the area.
3. Permission is only given to meet the special needs of the applicant

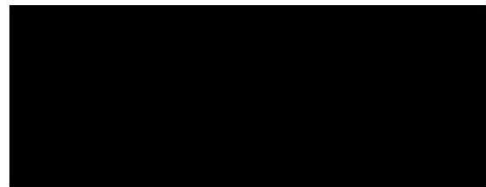
2 This permission shall enure for the benefit of Mr & Mrs Alan & Anne Barnes only and shall not enure for the benefit of the land.
Reason - In granting this permission the Local Planning Authority have had regard to the special circumstances of the applicant.

No materials, debris, pollutants, vehicles or machinery associated with the development and site use are to be stored or used within, leached into, disposed of on, or in any other way enter the Local Wildlife Site (Ref 72/034 Cheshunt Grove). A protective fence along the boundary of the application site and the adjacent wildlife site must remain in place and be properly maintained for the duration of the approved site use.

Reason - To prevent any potential immediate or future degradation of the local wildlife site, including as a result of damage to hedgerows, trees or tree roots. In the interest of protecting the adjacent local wildlife site, and contributing towards the conservation, enhancement, restoration and management of biodiversity and the local ecological network/green infrastructure, in conformity with the National planning Policy Framework (paragraphs 116 and 117) and section 40(1) of the NERC Act 2006.

Reasons for Grant of Permission: Overall, it is considered that the proposal complies with Policies GBC2, GBC6, GBC8 and GBC19 of the Borough of Broxbourne Local Plan Second Review 2001-2011 (December 2005). The temporary use of the mobile home as a residential dwelling has no detrimental impact on the openness and appearance of the Green Belt or the area generally, nor upon the amenity and outlook of the surrounding properties.

The Local Planning Authority has been positive and proactive in considering this planning application. The development maintains/improves the economic, social and environmental conditions of the Borough.



Signed:
 Head of Planning and Development
 DC1001MW

Dated: 11 September 2014

NOTE

This DOES NOT constitute Building Regulation Approval. If you are unsure whether you should submit a Building Regulation application prior to starting work please contact the Building Control Section on 01992 785566.

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State via the Planning Inspectorate under Section 78 of the Town and Country Act 1990.

- If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at www.planningportal.gov.uk/pcs
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development given under the order.

- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

- In these circumstances, the owner may serve a purchase notice on the Council of the District or London Borough in which the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Act 1990.

Compensation

- In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

- These circumstances are set out in Sections 114 and related provisions of the Town and Country Act 1990.