

## Delegated Report

Application reference: 07/23/0119/F  
Location: Woodland Stables Mobile Home Cock Lane Hoddesdon Hertfordshire EN11 8LS  
Case Officer: Louise Hart

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

The site contains seven static caravans and associated hardstanding accessed via a tarmac 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.

The application site falls within 250 metre buffer around disused landfill site. The property also falls within a 100m buffer around a power line; however, the development is low overall height level and there are no concerns raised with this application. The site is located within Flood Zone 1, which has a low probability of flooding. There are no other relevant planning constraints associated with this application site.

### Proposed Development

Development description: 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.

The site is within the ownership of the Applicant and Certificate of Ownership - A signed.

### Relevant Planning History

07/17/0350/F – Conversion of existing barn to residential (one bedroom) dwelling and extension of barn to form a cattery – Conditional Approval (20 April 2018)

07/16/1034/F – Replace existing residential mobile home with a single storey log cabin on existing footprint – Refused (10 November 2016)

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 – Conditional Approval (12 September 2014)

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 – Conditional Approval (29 July 2013)

07/11/0981/LDC – Certificate of lawfulness for an existing use of mobile home as a residential dwelling – Refused (10 February 2012) Appeal Dismissed (13 May 2013)

7/0596/08/F/HOD – Change of use of stables to livery yard – Conditional Approval (6 October 2008)

7/645/1983 – Agricultural workers dwelling – Refused 1983

### Pre-Application Discussions

The applicant did not seek pre-application advice prior to submission.

## Relevant Planning Policies

Relevant policies contained within the adopted Local Plan (2018-2033) 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 – Electric Vehicle Charging Points
- TM5 – Parking Guidelines

Planning Policy for Traveller Sites (August 2015) (PPTS)

The above policies and documents are considered to comply with the policies and principles of the National Planning Policy Framework (July 2021)

The following guidance is also of relevance:

- Borough-Wide Supplementary Planning Guidance (adopted 2004, updated 2013)
- Borough-Wide Waste Supplementary Planning Guidance (adopted August 2019)
- 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)

## Consultations and Representations

Notification of this planning application was sent to twenty four neighbouring properties. A site notice was displayed on 7 April 2023. The following representations were received:

**Twenty letters of support** received on the following grounds:

- There is a shortage of Gypsy Traveller sites in the area, in Herts, and the UK as a whole, and this type of private site is a good way forward and much needed. I request Borough of Broxbourne look favourably on this planning application and grant planning permission.
- The Local Authority has a moral duty to help preserve the traditional way of life of a peaceful law abiding community that has suffered prejudice and discrimination for far too long. You may be certain that if the present application is approved the Applicant will ensure that the site will be kept in immaculate condition and a credit to the neighbourhood simultaneously providing vital accommodation and help to those less fortunate members of the local community.

**Four objections** received on the following grounds:

- A place by the woods to take children and animals this is not a mobile home site.
- Object to planning permission being sought to the land that has remained a beauty spot for many years.
- The land is considered as Green Belt and such site is inappropriate and would cause a negative impact to the area.

Three of the objections raised are anonymous which unfortunately prevents the Applicant from being able to respond properly.

BBC Arboriculture Officer – No comment.

Herts and Middlesex Wildlife Trust – No comment.

BBC Environmental Health Services – No objection.

HCC Highways Authority – Object to development.

Planning Enforcement – made the following observations:

- The Design & Access statement acknowledges that the application is retrospective as operational development has taken place; however, our site visit revealed that the use has also already commenced.
- There are no details (elevations, clarification of use etc.) of the buildings that have also been erected on the site, including a gym and stables. These are clearly new and do not appear to benefit from planning permission.
- The red line plan is incorrect; the operational development encroaches into Chestnut Grove and incorporates buildings between the access and the Vineyard adjacent to the site.

Full details of statutory and consultee responses can be viewed on the Council website under planning reference: 07/23/0119/F.

## Issues

The main issues for consideration in the determination of this application are the principle of development within the Green Belt, residential amenity, the impact upon the amenities of the occupiers of neighbouring dwellings, highway safety and refuse and recycling.

## Appraisal

### Principle of development

Paragraph 22 of the Planning Policy for Traveller Sites (PPTS) states when determining planning applications for traveller sites, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Furthermore, paragraph 23 states applications should be assessed and determined in accordance with the presumption in favour of sustainable development, and the application of specific policies in the National Planning Policy Framework (NPPF) in conjunction with the PPTS. The Local Plan states planning applications for new pitches will be considered on their merits.

### **Green Belt Considerations**

Paragraph 16 (Policy E) of the PPTS states - *Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.*

Paragraph 147 of the National Planning Policy Framework states inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

In order to outweigh the harm to the Green Belt, very special circumstances must be considered. The submitted Design and Access Statement declares *the development would be for family and friends that don't have anywhere else to live. The proposed development would also be classed as affordable housing.*

### **The Applicants very special circumstances (VSC) include:**

- The Applicant believes the Gypsy and Traveller Accommodation Assessment (GTAA) is out of date.
- There is a lack of available sites in the district, county, this part of the country and the UK, and that undersupply of sites in the area carries significant weight.

- The lack of a five year supply of land for Gypsy sites which adds significant weight to a planning application.
- The need of the families to have a place to live, so they can access regular, consistent health care and to give support to each other from a culturally appropriate setting.
- The need of the families to have a place to live, so they can access adequate education services.
- The primacy of the child, must be a paramount consideration when making any decision that will have an impact on the lives of children.
- The family qualify for Gypsy status.

### **Addressing the Applicants very special circumstances:**

The Borough of Broxbourne Gypsy and Traveller Accommodation Assessment (April 2017) supporting the adopted Local Plan 2018-2033 provided a robust assessment of current and future need for Gypsy, Traveller and Travelling Show people accommodation in the Borough of Broxbourne. The report concluded there is a need for 22 additional pitches for households that meet the planning definition. The Local Plan and Policy GT1 are up to date (it is less than 5 years since adoption in June 2020). The Council has and are meeting needs through Local Plan Policy GT1.

Gypsy and Traveller sites at Hertford Road, St James' Road and Wharf Road have all been removed from the Green Belt in order to enable the effective implementation of Policy GT1, which states The Council will work with the travelling communities to allocate sites as follows as shown on the Policies Map:

1. Expansion of Hertford Road where additional appropriate needs cannot be accommodated within the existing site boundaries;
2. Accommodation of new pitches within the existing St James' Road site;
3. Authorised site at Wharf Road to accommodate the appropriate needs of the Wharf Road Community.

These sites are allocated for the specific needs of the resident travelling communities to which they relate and the future expansion of those communities through new household formation within those communities. The Local Plan does not provide for gypsy and traveller needs arising from outside the Borough.

The need of the families to have a place to live, so they can access regular, consistent health care and to give support to each other from a culturally appropriate setting is appreciated. The site is accessed via Cock Lane where the national speed limit (60mph) applies with no street lighting, no footpaths exist and limited grass verge to walk on. The site is located approximately 1.3m from the nearest primary school, the nearest health care providers and amenities are located in Broxbourne or Hoddesdon Town therefore realistically accessed safely by car only, therefore the site is not considered conveniently close to healthcare, schools and amenities without the use of a car.

Personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances. No evidence was submitted by the Applicant to confirm all families or children on site occupying the plots qualify for Gypsy status. Supporting evidence has been supplied regarding a vulnerable family member and three school age children living on site which gives some weight to very special circumstances.

*Overall, the very special circumstances have weight however do not outweigh the harm to the Green Belt in this case, as required by Policy GB1 of The Local Plan, Policy E: Traveller sites in Green Belt (PPTS) and paragraph 147 of the NPPF.*

### Design

Change of use of this 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 would not be visible from Cock Lane and would be heavily screened by the surrounding trees/hedges. That said once the site is accessed the large scale entrance gates with stonework pillars / wall, 1.8m fence panels and expanse of

hardstanding is incongruous with the otherwise open green belt landscape and should be restricted by condition from expansion to comply with paragraph 26 of the PPTS should it be minded to grant permission. This would ensure the rural character of the locality is maintained.

#### Residential Amenity

The site is located in an isolated location, situated over 50 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 proposal 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 this could be controlled by condition. 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 development.

#### Refuse & Recycling

Due to the size of the site, and its previous associated planning history use as a single residential property, the development could be acceptable in terms of refuse and recycling storage/collection. The application does not show full compliance with the Waste SPG and therefore a condition should be imposed to this effect if approved.

#### Highways

Local Plan Policy TM2 requires development proposals must ensure that the safety of all movement corridor users is not compromised. Hertfordshire County Council as Highway Authority were consulted and raise an objection due to the following concerns regarding the sustainability of the site in transport terms.

The Highway Authority recommend that permission be refused on grounds of sustainability. The Highway Authority are concerned the development offers no sustainable travel opportunities, contrary to the NPPF and HCC Local Transport Plan Policies 1, 2 and 5. The closest bus stop and local amenities and facilities are at Broxbourne High Road at a distance which exceeds the Chartered Institute Highways Transportation (CIHT) 'Planning for Walking' which states that 'Walkable Neighbourhoods' must be considered when land use planning for pedestrians, whereby a typical catchment area will be 800m.

The Highway Authority state 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 for the full length, which represents a highway safety concern. As the site location is only safely accessible by car, this is contrary to the HCC declared Climate Emergency and the DfT's Decarbonisation Plans. The HCC Corporate Plan includes the key principles of 'A cleaner and greener environment' and 'Sustainable and responsible growth'. Based on the current application details, the site does not fulfil these requirements.

*Overall, the development is considered contrary to Policy TM2 of The Local Plan.*

#### Other Matters

Considering the consultation response comments received from Planning Enforcement.

- *There are no details (elevations, clarification of use etc.) of the buildings that have also been erected on the site, including a gym and stables. These are clearly new and do not appear to benefit from planning permission. **The Applicant should apply for this development separately.***
- *The red line plan is incorrect; the operational development encroaches into Chestnut Grove and incorporates buildings between the access and the Vineyard adjacent to the site. **The Applicant should apply for this development separately.***

#### **Conclusion and Recommendation**

For reasons covered above the development does not assist in safeguarding the countryside from encroachment. The very special circumstances do not outweigh the harm to the Green Belt in this case. The

development fails to ensure that the safety of all movement corridor users is not compromised. Overall, it is considered the development is contrary to Policies GB1, and TM2 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). As such, the application is recommended for refusal.

Recommendation – Refusal

**Determined By:**

Chairman of Planning and Regulatory Committee: Councillor Andreas Payne  
Development Management Service Manager: Matt Kolaszewski