DEVELOPMENT CONTROL AGENDA

THURSDAY 25 FEBRUARY 2016 AT 7.00 PM
COUNCIL CHAMBER

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Membership

Councillor D Collins (Chairman)	Councillor Riddick
Councillor Guest (Vice-Chairman)	Councillor Ritchie
Councillor Birnie	Councillor R Sutton
Councillor Clark	Councillor Whitman
Councillor Conway	Councillor C Wyatt-Lowe
Councillor Maddern	Councillor Fisher
Councillor Matthews	Councillor Tindall

For further information, please contact Katie Mogan or Member Support

AGENDA

8. FLAUNDEN HOUSE STABLES SUPPORTING DOCUMENT - OBJECTION (Pages 2 - 17)

Flaunden House Stables

Planning Application

4/03481/15/MFA

Flaunden House Stables

Planning Application 4/03481/15/MFA

Document will focus on the following:

What has changed since earlier refusals?

Factual errors, misleading and inaccurate statements

Inability of Relic to address the earlier grounds for refusal by the Development Control Committee

Non compliance with the NPPF and saved Local Plan Policy

Concerns over neighbouring privacy and environmental/Green Belt protection

Flaunden House Stables

Planning Application 4/03481/15/MFA

What has changed since the earlier refusals?

DCC previously rejected the earlier application for the conversion of existing stables (Barn A) Ref: 4/01123/15/FUL

Subsequent applications to convert existing stables (Barn B) Ref: 4/0202986/15/FUL and extend the existing Coach House Ref: 4/02987/FHA have also been recommended for refusal by Dacorum Planning.

Appeals for all three applications have been lodged by Relic Homes with the Planning Inspectorate.

A new single application including all three of the properties above has been submitted Ref 4/03481/15/MFA which has been recommended for refusal by Flaunden Parish Council and approved by Dacorum Planning.

What has changed to cause Dacorum Planning to reverse its earlier refusals?

1. Viability Report submitted by Relic Homes
2. Relic Homes have submitted a unilateral undertaking to secure the future of a scaled back equestrian use.
3. Reliance on factual errors, misleading facts and inaccurate statements.

None of the above are grounds to overcome the basis of earlier refusals, namely that 'by removing an existing equestrian use, the proposal fails to support the rural economy, contrary to Policy C5 of the Core Strategy, and has failed to demonstrate that every reasonable effort has been made to secure a business, recreation or tourism-related reuse, contrary to saved Local Plan Policy 110'**.**

Flaunden House Stables

Planning Application 4/03481/15/MFA

The Viability report does not address the requirement of the last DCC refusal.

The Viability Report prepared by Aitchison Rafferty contains numerous factual errors and misleading statements, consistent with other parts of the application eg. previous agricultural and farming use claims. It incorrectly states 'The property comprises a farm establishment set within 16.45 Acres'

It states 'there is no evidence of any previous equestrian business at the property' and superficially dismisses the previous equestrian use as 'any previous equestrian use must have been on a low key basis'. This is clearly incorrect as evidenced by the BHS report on the site (Planning Officers Report (POR) Pages 145 - 150).

The report outlines the unsuitability of the site for miscellaneous alternative commercial uses, namely, storage and distribution, offices, retail and alternative recreation, all unsurprisingly not suitable or viable, but fails to make any mention of the viability of continuing as an equestrian business which the site is custom made for and has been for over 30 years

It states that 'the land is now vacant and becoming derelict' This is deliberately misleading as, until acquired by Relic Homes who insisted on all previous tenants being evicted and have made no attempt to maintain the site since, the site was fully occupied and maintained.

It concludes that 'alternative uses are not as financially attractive as residential use of the site' however, this is not relevant and does not constitute 'every reasonable effort to secure a business related use'.

Relic have made no effort whatsoever to maintain the equestrian business, to the contrary they have failed to respond to rental enquiries (POR Page 152) and also an offer to purchase the site for use as an equestrian business (POR Page 126).

A study into potential viability of a 34 stable equestrian site as historically configured was undertaken by the BHS, demonstrating positive financial feasibility. A survey of local equestrian demand has also indicated a viable level of demand in the local area. This conflicts with the earlier statements by Relic Homes that 'demand for equestrian usage only covers the two adjacent stables, leaving this (Barn A) vacant with no need of use. **Note: Neither of these documents have been included in the Planning Officers report to the DCC.**

Flaunden House Stables

Planning Application 4/03481/15/MFA

BHS report on potential site profitability

		Week Charges	Monthly Charges	Annual	Notes
Number of stables for livery yard use	34		£	£	
% Occupancy rate	90				
Total Horses	30.6				
Full livery	12	175	750	108,000	Includes exercising, grooming, turn out & bringing in bedding, hay & feed
Half Livery	12	110	500	72,000	5 day grooming, turn out/in and includes bedding, hay and feed
DIY livery	6	40	173.33	12,480	No bedding or feed
Total Horses at Livery/income	30			192,480	
Lessons per week	10	600	1,300	15,600	Lessons £ per half hour 30.00
Hire of School per week	4	120	520	6,240	School hire £ per hour 30.00
Total Income				**214,320**	
Costs				**Annual Totals**	
Variable costs					£ Costs per horse (average)
Full livery	12			15,132.00	Hay week bales 2.50; cost per bale 4.50; Annual Costs 585.00; Hard feed week 5.00; Annual cost 260.00; bedding week Shave Bale 8.00; Annual cost 416.00; Total Annual Cost 1,261.00
Half Livery	12			15,132.00	
DIY livery	6				
Total Horses at Livery	30			30,264.00	
Fixed Costs					
Salaries, wages & NI etc				45,000.00	Owner Yard manager and two grooms
Insurance				7,000.00	Yard mgr £18K Two grooms £22K Part time grooms 5K
Rates				16,000.00	Cover for public liability, business and employee
Utilities Electricity and water				8,000.00	
Tools and equpiment minor repairs				500.00	
Maintenance				8,000.00	
Waste disposal				1,800.00	
Total Fixed costs				86,300.00	
Total costs				**116,564.00**	
Income minus expenditure				**97,756.00**	
Value of The Coach House land and stables per Aitchison Rafferty Viability Report				1,145,000.00	
Assumed value of unconverted barns/stable blocks				100,000.00	
Valuation of Flaunden House Stables excluding speculative development premium				**1,245,000.00**	
Potential Return on Investment				7.9%	Plus free living accomodation for owners

Flaunden House Stables

Planning Application 4/03481/15/MFA

Local equestrian demand Survey.

Survey of those who would stable their horses at FHS

Name	Number of Horses	Comments
Rebecca Pocock	3	Owner of three horses, finds stabling difficult to find. Also teaches.
Ann Ackerman	1	Previous tenant
Jenny Harding	1	Previous tenant
Details on file	1	Previous tenant
Lauren Keates	1	Previous tenant
Details on file	1	Previous tenant
H Pegg	1	Previous tenant
Details on file	1	
AN Other	5	Prefers not to identify herself, keen to negotiate lease of part of the yard with new owners.
Trish Duggan	1	Would keep horses at Flaunden.
Tracy Hodges	1	Would move back in a flash
Details on file	2	Previous tenant
Carrie Hart	2	Previous tenant
Clare Pitcher	2	Previous tenant
Kathy Dean	1	Previous tenant + horse box
Clara Lawrence	2	Previous tenant (last to leave told to go by 30/4) also groom
Kelly-Jo Pritchard	1	Would love to keep my horse nearby; very hard to find a good yard with such great facilities as Flaunden House Stables
Steven Duncan	3	Previous tenant, live in Flaunden and would love to return to Flaunden Stables
	30	(Minimum number of horses)

Flaunden House Stables

Planning Application 4/03481/15/MFA

Local equestrian demand Survey.

Professionals who would provided services to the yard	
Charlotte Osmond	Vet
Details on file	Equine therapist
Lorna Skinner	Physiotherapist
Sam Wade	Farrier - lost business since closure of stables
Cathy High	Lost yard work since closure
Clare Yetton	Lost teaching work since closure
Lessons at the yard	
Dick Liversedge	Grandchildren had regular riding instruction.
Gerry Ward	Grandchilden had regular riding instruction
Other comments	
Boo & Charles Macleod Matthews	Creating a cross country course in the chess valley close to Flaunden, offering adults and children in the area chance of riding without danger of main road. Not viable without the support of local livery stables.
Diane Howard	No more houses
Georgina Platts	Notable shortage of good livery stables in this area
E. Savage	Great shame another yard is threatened with closure

Flaunden House Stables

Planning Application 4/03481/15/MFA

106 Undertaking to secure a scaled back equestrian activity

What will this actually leave as an equestrian business?

16 Stables with no storage facilities for feed, bedding, tack, equipment etc

No parking for horse boxes, equestrian owners, support services etc

No facility for muck storage and collection

Significantly lower levels of local employment and services

Disjointed and unworkable ownership ie. The owner/resident of the 2 bed barn conversion must work at the stables but the stables ownership is being retained by Relic Homes (or sold to a third party)

No long term security that this 106 undertaking will not be removed as is the case with both the Coach House and the existing barn (Barn B) now being untied from the equestrian business that was used to justify planning permission for their development.

What will the result be?

A sub scale non viable equestrian business – if 34 stables are viewed by Relic Homes as 'non viable' how can 16 be?

Future need to build storage barns on Green Belt to meet the needs of a constrained equestrian business that no longer has the required infrastructure (previously converted to residential houses)

Use of Green Belt land for parking

In due course an application to have the undertaking removed

Why is the existing Coach House, originally justified by the need to accommodate a manager and 'tied' to the equestrian business, being 'untied' so that a new building can be built and justified on the basis that it is needed by and 'shall be limited to a person solely or mainly working at Flaunden Stables' (POR Page 131)?

Flaunden House Stables

Planning Application 4/03481/15/MFA

Factual errors, misleading and inaccurate statements.

There are numerous examples included both in the Relic Homes application and the Planning Officers report, including;

1. Are the buildings 'agricultural barns' or 'existing stables'?

The two buildings proposed for conversion have conveniently been re-defined as 'agricultural barns' in the current application, having been previously and correctly described as 'existing stables' in the last application brought to the DCC (POR Page 111)

This site is equestrian and not agricultural in nature (see 30 year chronology of site use POR Page 147). The definition of what is 'agricultural' is given in the Town and Country Planning Act. In terms of horses, the key is whether or not they are 'creatures for the production of food or used in farming land' (eg ploughing) neither of which is the case.

With regard to 'Barn B', the application and planning report both state that 'The building was built to accommodate agricultural vehicle storage and other ancillary uses' (POR Page 137). This is not correct and was clearly outlined to the planning officer in earlier objections (POR Page 127/8). This building, built in 2010, was specifically approved 'to be used only for storage directly associated with the equestrian use of the site and for no other purpose' (Ref 4/01912/09/FUL). This very relevant fact and planning reference has not been included in the Planning History in the Officer's report (POR Page 114).

2. Reliance on known inaccurate claims

With regard to 'Barn A', the report of the Planning Officer states:

'The applicant has advised that the site had been on the market for 6 months without any takers' and 'The Solicitor for the owner who sold the property in October 2009 advised that the reason the owner sold the site was because the equestrian business was not profitable. It should be noted that this owner will benefit from any increase in value to the site as per a legal agreement attached to the sale of the site'.

'Based on the above advice it is difficult to sustain an argument that the proposal will have a negative impact on the rural economy. The proposal will have limited economic benefits in terms of future occupiers supporting local services'**(Included in the Planning Officer's report on the Dacorum Planning website but not in the Planning Officer's Report to the DCC)**

Why are these discredited statements still being used by Dacorum Planning to justify their approval, ignoring the comprehensive information to the contrary?

The next slide shows the details provided to the councillors and planners at the previous DCC meeting with the specific points highlighted.

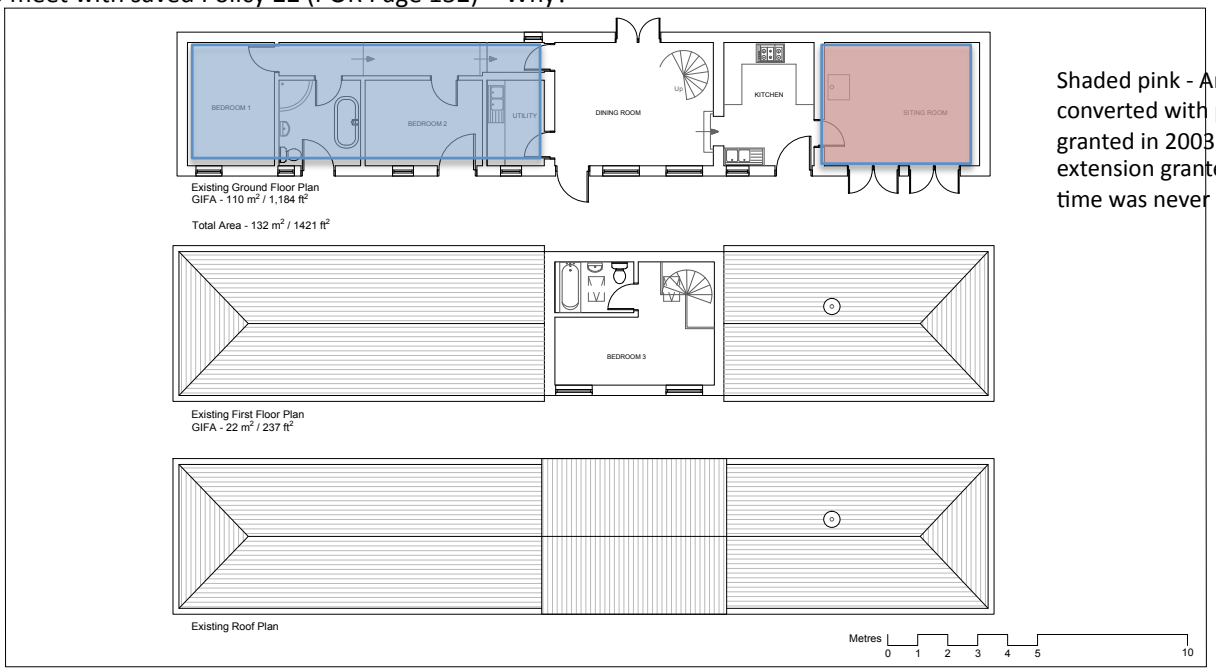
Flaunden House Stables

Planning Application 4/03481/15/MFA

Factual errors, misleading and inaccurate statements.

3. The extension of The Coach House is greater than the 130% allowed within The Green Belt.

Flaunden Parish Council detailed in their objection the fact that the original Coach House dwelling pre-2003 was a simple, one bedroom, building (see area in white on plan below and that it had been extended without planning permission (area shaded in blue) in recent years. The original dwelling size was 68 sq m (see planning application 4/0567/03/FUL) Relic Homes application includes the illegal extension in their Existing Ground Floor Plan. Their proposed extension will take the building to 167 sq m, well beyond the 130% permitted. The Planning Officer's report differs from this to meet with saved Policy 22 (POR Page 132) – Why?



Shaded pink - Area converted with planning granted in 2003 – extension granted at that time was never built.

Flaunden House Stables

Planning Application 4/03481/15/MFA

Extract from slide used for handout at DCC meeting dated 6 August 2015, Ref Flaunden House Stables 4/01123/15/FUL

Negative impact on the rural economy

Applicant advised that 'site was on the market for 6 months with no takers' (Planning report, pg 72) - Not true, Flaunden House Stables was listed with Hamptons, Rickmansworth on 16 December 2014, offer was accepted on 23 December and contracts were exchanged on 31 December (per Telecon with Hamptons 2 Aug 2015).

The building has not been used for stabling for at least 6 months (Planning report, pg 71) – True, but only because the current owner requested that previous tenants were served notice and vacated prior to completion.

'The solicitor for the owner who sold the property in October 2009 advised that the reason the owner sold the site was because the equestrian business was not profitable' (Planning report, pg 72) - Not accurate or reliable.

The business was purchased on this basis and has been run as a business, and new stables added, for the past 6 years.

The owner, prior to 2009, retains a financial interest in the property and will benefit from further development, therefore is conflicted.

Sales particulars at the time (John Roberts & Co) described the property as ' a successful and well regarded equestrian business'.

Flaunden House Stables

Planning Application 4/03481/15/MFA

Incomplete documentation

The information available to Flaunden Parish Council and local residents has been incomplete

The Planning Officer's report refers to important documents, presumably submitted late by Relic, which have not been included in the DCC documentation or made available to Flaunden Parish Council/ neighbouring residents through the website or on request.

These include;

1. Ownership Plan (POR Page 111)
2. Plans for provision of parking (POR Page 138)
3. Allocation of equestrian land between properties - no details available

Flaunden House Stables

Planning Application 4/03481/15/MFA

Does not address the grounds for earlier refusal by the DCC

The reason for refusal was:

By removing an existing equestrian use, the proposal fails to support the rural economy, contrary to Policy C5 of the Core Strategy, and has failed to demonstrate that every reasonable effort has been made to secure a business, recreation or tourism- related re-use, contrary to saved Local Plan Policy 110.

What constitutes 'every reasonable effort'?

Strategic Planning consider that the applicant has made a detailed case in support of residential conversion under Policy 110 and taking into account national support for the re-use of buildings in the countryside, particularly for residential purposes.
By providing a Viablity Statement prepared by a reputable firm the applicant has demonstrated that every reasonable effort has been made to secure a business, recreation or tourism-related re-use so complies with saved Local Plan Policy 110 (POR Page 137).

Flaunden House Stables

Planning Application 4/03481/15/MFA

Non Compliance with NPPF and saved Local Plan Policy

All references to 'agricultural buildings' and links to Planning Policy relating to 'agricultural buildings' eg permitted development etc are not valid as equestrian land and buildings is explicitly not 'agricultural' (Local Plan Policy 81)

The requirements and guidelines set out for NPPF (Taken from the NPPF Ministerial foreword by RT Hon Greg Clarke Minister for Planning) include;

1. Supporting growth in rural areas to create jobs
2. Promote retention and development of local services and community facilities
3. Promote healthy sport, recreational and community facilities
4. Ensure that established facilities are able to develop and are retained for the local community
5. **Existing sports and recreational buildings should not be built on unless an assessment has been undertaken which has clearly shown the building or land to be surplus to requirement**

The Planning Officer's report, in support of their approval, has ignored all of the above, together with submissions and objections showing that the land is not surplus to requirements eg Local Demand Survey and BHS Historic Business Chronology whilst not requiring Relic Homes, in line with NPPF, to undertake an assessment which clearly shows the building or land to be surplus to requirement

The Core Strategy Settlement Hierarchy (P41) states that the village of Flaunden is classified as falling within the "other small village and the countryside" category and is therefore an area of most development constraint within the borough (POR Page 133)

Deliberately closing down and arbitrarily reducing the size and ongoing viability of a rural equestrian business to facilitate speculative residential development is not in accordance with NPPF, Policy CS5, saved Local Plan Policy 110 or the classification of Flaunden.

Flaunden House Stables

Planning Application 4/03481/15/MFA

Concerns over neighbouring privacy and environmental / Green Belt protection

Relic Homes have a history of ignoring tree protection regulation.

Frithsden Copse, Ref 4/03131/14/FUL

Removal of a mature tree within the Conservation Area without permission on The Coach House site (reported on 6 January 2016 and investigated by enforcement at the time but 'unknown' by Relic on-site personnel and ground covered over).

Given this, the requirement to maintain tree and hedging screen may not be adhered to.

There is concern regarding further unlawful removal of mature trees affording both visual and noise screening between Barn B and the listed cottages behind in the Conservation Area.

Inadequate parking and storage for remaining stables will lead to encroachment of Green Belt for parking, additional storage buildings, stabling etc required due to the conversion of existing buildings originally built for that purpose.

Agricultural land will inevitably be used for garden due to the restricted nature of amenity land provided with Barn A in particular relative to its size.

Flaunden House Stables

Planning Application 4/03481/15/MFA

Summary

The additional information in the form of an inadequate Viability Report is not sufficient to overcome the earlier refusal of the Flaunden House Stables application.

A 106 Agreement for partial retention of a scaled down equestrian business similarly does not compensate for the demonstrable lack of 'every real effort to secure a business' as required by Policy C5 and saved Local Plan Policy 110

In line with NPPF, sports and recreational buildings should not be built on unless an assessment has clearly shown the building to be surplus to requirement. This has not been done and to the contrary demand has been clearly established.

A reliance on known incorrect statements and misrepresentations to facilitate an approval, eg. agricultural terminology, surplus to requirements and lack of demand claims, should not be permitted.

Widespread local opposition, supported by well constructed, policy based arguments should not be ignored. The precedent this will set for the demise and conversion of other rural businesses in Flaunden will be significant and detrimental to the character of the village and its residents, hence the high number of objections.

Whilst accepting the pressure to plan positively and budgetary restrictions to avoid undue process and appeal costs, this should not be allowed to impact on the integrity and objective implementation of Planning Policy.

Given the above, this application should be rejected on the same grounds as the previous application.